

TRANSFER AND ASSIGNMENT

For value received, the undersigned hereby transfers, assigns, bargains, sells, conveys and delivers to CRESCENT MORTGAGE SERVICES, INC. 2410 PACES FERRY ROAD, STE 280 ATLANTA GA 30339 (the "Assignee"), its successors and assigns, all of the undersigned transferor's right, title, interest, powers and options in, to and under the security instrument (said security instrument consisting of either a mortgage, a deed of trust, or a deed to secure debt) executed by JUDSON A. FOUST and SARA L. FOUST husband and wife to COMMERCE BANK OF ALABAMA, dated September 24th 19 98, recorded in Deed or Mortgage Book 1998, at Page 39239 of the appropriate registrar's office, RMC, clerk's office, or other repository of recorded documents for SHELBY County, State of Alabama (the "Security Instrument"). The Security Instrument was given to secure a note and indebtedness in the original principal sum of \$ 107,328.00. This Transfer and Assignment includes all interest in and to the land or property described in the Security Instrument. This Transfer and Assignment is without recourse upon the undersigned Transferor.

The undersigned Transferor has this day sold and assigned to the Assignee the note secured by the Security Instrument, the indebtedness secured thereby, and the right to all payments thereunder. This Transfer and Assignment is made for all purposes permitted by law, including but not limited to securing the Assignee in the payment of said note.

Transferor does hereby remise, release, quitclaim and convey to the Assignee all of its right, title and interest in and to the property described in and conveyed by the Security Instrument.

TO HAVE AND TO HOLD unto the said Assignee, its successors and assigns forever.

IN WITNESS WHEREOF, the undersigned Transferor has affixed its hand and seal by its duly authorized and empowered corporate officials on this 24 day of September, 19 98.

Signed, sealed and delivered in the presence of:

Debbie Beck
First Witness

Linda Cooper
Second Witness

By: Jerry Meredith
As Attorney-in-Fact for: COMMERCE BANK OF ALABAMA
Transferor, pursuant to that certain Limited Power of Attorney, dated the 24th day of August, 19 98.

STATE OF GEORGIA
COUNTY OF COBB

10/07/1998-39241
03:20 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
J. JO

THIS is to certify that on this day personally appeared before me, a Notary Public in and for said County, in said State, JERRI MEREDITH, whose name is signed to the foregoing instrument, and who is known to me and with whom I am personally acquainted, and who being by me duly sworn, acknowledged before me on this day that he is the duly empowered attorney-in-fact for the above-named Transferor; that, being informed of the contents of the conveyance, and with full authority executed and delivered same voluntarily for and as his act, and for and in behalf of the Transferor; that his authority to execute and acknowledge said instrument is contained in the duly executed, acknowledged, and recorded power of attorney described above under his signature; and that this instrument was duly executed under and by virtue of the authority given by the power of attorney for the purposes therein expressed. Further, personally appeared before me DEBBIE BECK who being duly sworn, says that he saw above-named Transferor sign, seal and as his act and deed, deliver the foregoing Transfer and Assignment, and that he with LINDA COOPER witnessed the execution and delivery thereof.

Given and witnessed under my hand and official notarial seal, this the 24 day of September, 19 98.

Walter Johnson
NOTARY PUBLIC

My Commission Expires _____