

## TRANSFER AND ASSIGNMENT

For value received, the undersigned hereby transfers, assigns, bargains, sells, conveys and delivers to CRESCENT BANK AND TRUST COMPANY, 115 PERIMETER CTR PL., STE 285 ATLANTA GA 30346 (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 MATTHEW E TOWNLEY and Kimberly J. Townley, \* to FIRST PERFORMANCE MORTGAGE CORPORATION, dated December 28th, 1998, recorded in Deed or Mortgage Book 1998, at Page 5226 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 \$ 138,700.00. 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.

\*husband and wife

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 28 day of December, 1998.

Signed, sealed and delivered in the presence of:

First Witness

Second Witness

By:

As Attorney-in-Fact for: FIRST PERFORMANCE MORTGAGE CORPORATION

Transferor, pursuant to that certain Limited Power of Attorney, dated the 21st day of December, 1998.

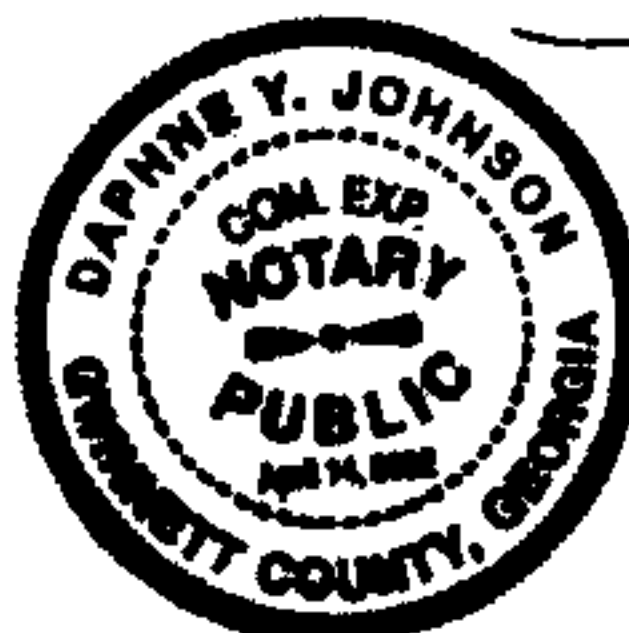
STATE OF GEORGIA

COUNTY OF DEKALB

12/30/1998-32027  
11:20 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
001 CRH 8.50

THIS is to certify that on this day personally appeared before me, a Notary Public in and for said County, in said State, WILLIAM A FOWLER JR, 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 BERNICE MOORE 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 NICKEA JEFFRIES witnessed the execution and delivery thereof.

Given and witnessed under my hand and official notarial seal, this the 28 day of December, 1998.



NOTARY PUBLIC

My Commission Expires

[NOTARIAL SEAL]