

STEWART TITLE OF BIRMINGHAM, INC.
2700 HIGHWAY 280 S. STE. 60
BIRMINGHAM, AL 35223

LOAN # 3498219

X1998042170
KIRKLAND
7000

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 ROBERT SCOTT KIRKLAND AND JULIE K. KIRKLAND to MIDSOUTH MORTGAGE INC. dba THE MORTGAGE SOURCE, dated July 6th, 1998, recorded in Deed or Mortgage Book 1998 at Page 28902 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 \$ 189,500.00. 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.

Inst # 1998-02458

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 6 day of July, 1998.

Signed, sealed and delivered in the presence of:

First Witness

Second Witness

By:

Kim Barnes
As Attorney-in-Fact for: MIDSOUTH MORTGAGE INC.
dba THE MORTGAGE SOURCE

Transferor, pursuant to that certain Limited Power of Attorney, dated the 6th day of July, 1998.

Inst # 1998-02458

01/19/1998-02458
03:11 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE

STATE OF GEORGIA

COUNTY OF DEKALB

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

Given and witnessed under my hand and official notarial seal, this the 6 day of July, 1998.



NOTARY PUBLIC

My Commission Expires 5/9/00

[NOTARIAL SEAL]