



COLLATERAL ASSIGNMENT OF NOTE AND REAL ESTATE MORTGAGE

STATE OF ALABAMA

COUNTY OF Jefferson

KNOW ALL MEN BY THESE PRESENTS, that for value received from

SouthTrust Bank

(Name of Bank)

Birmingham, Alabama

(City, State)

hereinafter referred to as the "Bank," the undersigned hereby grants a security interest in and transfers, conveys, bargains, sells, assigns, pledges and sets over unto the Bank, its successors and assigns, that certain indebtedness of James R. Gardner

of \$ 300,000.00 dated November 18, 1997, together with that certain real estate mortgage (the "Mortgage") securing the Note and recorded in Map Book 1997 Page 39198 in the Office of the Judge of Probate of Shelby County, Alabama, and all of the undersigned's right, title and interest in and to the following described real estate situated in the State of Alabama, Shelby County.

**01/25/2001-02774
12:01 PM CERTIFIED**

SHELBY COUNTY JUDGE OF PROBATE
001 HMB 11.00

TO HAVE AND TO HOLD unto the Bank, its successors and assigns, forever. The undersigned warrants to the Bank, its successors and assigns, that neither the Note, the Mortgage, nor the undersigned's interest in and to the above described real estate, nor any interest in any of them, has been assigned, pledged or otherwise transferred to any other party.

This assignment is given to secure payment and performance of all indebtedness and obligations now or at any time hereafter owing by the undersigned assignor to the Bank including, without limitation, that certain indebtedness evidenced by the undersigned's promissory note dated January 4, 2001 ~~XX~~, payable to the Bank in the principal amount of \$ 241,374.18 with interest as therein stated and all renewals and extensions, in whole or part, of said note.

IN WITNESS WHEREOF this assignment is executed for and in the name of the undersigned assignor by its officer thereunto duly authorized this 4th day of January, ~~XX~~ 2001

(Name of Corporation, Partnership or Firm)

By: _____ Title: _____

(Name of individual assignor) David P. Bruno

STATE OF ALABAMA

COUNTY OF Jefferson

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that _____ whose name as _____ of _____, a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me, on this day that, being informed of the contents of such conveyance, _____ 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 _____ day of _____, 19____.

(NOTARIAL SEAL)

Notary Public

STATE OF ALABAMA

COUNTY OF Jefferson

I, the undersigned, authority, a Notary Public in and for said County in said State, hereby certify that David Bruno whose name(s) was signed to the foregoing conveyance, and who was known to me, acknowledged before me on this day that, being informed of the contents of the conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 4th day of January, ~~XX~~ 2001

(NOTARIAL SEAL)

Notary Public

Inst # 2001-02774