

**ASSIGNMENT OF MORTGAGE**

(STATE OF ALABAMA )

( SHELBY COUNTY )

KNOW ALL MEN BY THESE PRESENTS, that Mortgage Electronic Registration Systems, Inc. ("MERS") as nominee for 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 DAN HORNKOHL AND TRACY HORNKOHL, HUSBAND AND WIFE on the 24TH day of OCTOBER, 2001, and recorded in 2001, Page 48408, 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 9, ACCORDING TO THE SURVEY OF SHOAL CREEK HIGHLANDS, FIRST SECTOR, AS RECORDED IN MAP BOOK 13, PAGE 39, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

IN WITNESS WHEREOF, Mortgage Electronic Registration Systems, Inc. has caused this assignment to be signed by Steven D. Fleming, its Assistant Secretary, and attested by Traci C. Dollar, all as of the 24TH day of OCTOBER, 2001, although this assignment has actually been signed and attested on the date set forth in the acknowledgement below.

Mortgage Electronic Registration Systems, Inc.

By:   
Steven D. Fleming  
Its: Assistant Secretary

Attest:

By:   
Traci C. Dollar

Inst # 2002-02076


(STATE OF ALABAMA )

( JEFFERSON COUNTY )

01/11/2002-02076  
10:55 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
001 CH 11.00

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Steven D. Fleming, whose name as Assistant Secretary of Mortgage Electronic Registration Systems, Inc. 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 24th day of Nov, 2001

  
Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Aug. 18, 2003  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

This instrument prepared by:

KATHERINE PAYNE  
NATIONAL BANK OF COMMERCE  
1927 1ST AVENUE NORTH  
BIRMINGHAM, ALABAMA 35203