



Little Mountain Apartments

**ASSIGNMENT OF SECURITY INSTRUMENT  
(MULTIFAMILY MORTGAGE)  
(Little Mountain Apartments)**

**(GMAC Commercial Mortgage Bank to GMAC Commercial Mortgage Corporation)**

**GMAC COMMERCIAL MORTGAGE BANK**, a Utah industrial loan corporation, whose address is 6955 Union Park Center, Suite 330, Midvale, Utah 84047, Attn: President ("**Lender**"), as the holder of the instrument hereinafter described and for valuable consideration hereby endorses, assigns and delivers to **GMAC COMMERCIAL MORTGAGE CORPORATION**, a corporation organized under the laws of the California, whose address is 200 Witmer Road, Post Office Box 809, Horsham, Pennsylvania 19044, Attn: Servicing - Executive Vice President, its successors, participants and assigns, all right, title and interest of Lender in and to the following:

A Multifamily Mortgage, Assignment of Rents and Security Agreement, among La Mesa Villa Condominiums, LLC, a California limited liability company (the "**Borrower**"), and Lender, as Mortgagee, dated as of the 29th day of December, 2003, and recorded immediately prior hereto, in the Probate Records of Shelby County, Alabama, securing the payment of a Multifamily Note, dated as of the 29th day of December, 2003, in the original principal amount of \$2,120,000.00 made by the Borrower, payable to the order of Lender, and creating a first lien on the property described in Exhibit A attached hereto and by this reference made a part hereof.


Together with any and all notes and obligations therein described, the debt secured thereby and all sums of money due and to become due thereon, with the interest provided for therein, and hereby irrevocably appoints assignee hereunder its attorney to collect and receive such debt, and to foreclose, enforce and satisfy the foregoing the same as it might or could have done were these presents not executed, but at the cost and expense of assignee.

Together with any and all other liens, privileges, security interests, rights, entitlements, equities, claims and demands as to which assignor hereunder possesses or to which assignor is otherwise entitled as additional security for the payment of the notes and other obligations described herein.

This Assignment shall be governed in all respects by the laws of the state in which the aforementioned instruments were recorded and shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, Lender has caused its name to be signed hereto by Max W. Foore, its Limited Signer, and does hereby appoint said Max W. Foore its authorized officer to execute, acknowledge and deliver these presents on its behalf, all done as of this 29th day of December, 2003.

**GMAC COMMERCIAL MORTGAGE BANK,**  
a Utah industrial loan corporation

By:  (SEAL)  
Max W. Foore  
Limited Signer

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of Virginia

City of Richmond

On December 24, 2003 before me, DEANNA G. FAHED, NOTARY PUBLIC,  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"  
personally appeared Max W. Foore  
NAME(S) OF SIGNER(S)

personally known to me -OR-  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Deanna G. Fahed  
Signature of Notary  
**My Commission Expires April 30, 2007**

**OPTIONAL**

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

**CAPACITY CLAIMED BY SIGNER**

- INDIVIDUAL
- CORPORATE OFFICER:  
\_\_\_\_\_  
TITLE(S)
- PARTNER(S):       LIMITED  
    GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

\_\_\_\_\_  
TITLE OR TYPE OF DOCUMENT

\_\_\_\_\_  
NUMBER OF PAGES

\_\_\_\_\_  
DATE OF DOCUMENT

\_\_\_\_\_  
SIGNER(S) OTHER THAN NAMED ABOVE

**SIGNER IS REPRESENTING:**  
NAME OF PERSONS OR ENTITY(IES)  
\_\_\_\_\_  
\_\_\_\_\_

Please mail to:

Drew S. Reiferson, Esquire  
Troutman Sanders LLP  
Post Office Box 1122  
Richmond, Virginia 23218-1122

**EXHIBIT A  
TO THE ASSIGNMENT OF SECURITY INSTRUMENT**

Part of the Northwest quarter of the Northwest quarter of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

From an existing open top iron pin, being the Southeast corner of the Northwest quarter of the Northwest quarter of Section 31, Township 19 South, Range 2 West, run in a Northerly direction along the East line of said quarter-quarter section for a distance of 207.59 feet to an existing iron rebar being the point of beginning; thence turn an angle to the left of 86 degrees 42 minutes 13 seconds and run in a Northwesterly direction for a distance of 209.28 feet; thence turn an angle to the right of 92 degrees 20 minutes 15 seconds and run in a Northerly direction for a distance of 21.0 feet to an existing iron rebar; thence turn an angle to the left of 97 degrees 02 minutes 36 seconds and run in a Westerly direction for a distance of 231.61 feet; thence turn an angle to the left of 76 degrees 15 minutes 40 seconds and run in a Southwesterly direction for a distance of 72.22 feet; thence turn an angle to the right of 10 degrees 48 minutes 49 seconds and run in a Southwesterly direction for a distance of 37.95 feet; thence turn an angle to the right of 19 degrees 34 minutes 50 seconds and run in a Southwesterly direction for a distance of 34.92 feet; thence turn an angle to the right of 27 degrees 45 minutes 15 seconds and run in a Southwesterly direction for a distance of 48.83 feet; thence turn an angle to the right of 24 degrees 01 minutes 57 seconds and run in a Westerly direction for a distance of 224.32 feet to an existing iron rebar being on the East right of way line of Little Mountain Circle; thence turn an angle to the right of 105 degrees 42 minutes 34 seconds and run in a Northeasterly direction along the East right of way of said Little Mountain Circle for a distance of 75.32 feet to the point of beginning of a curve, said curve being concave in a Southeasterly direction and having a deflection angle of 3 degrees 45 minutes 30 seconds and a radius of 1497.29 feet; thence turn an angle to the right and run in a Northeasterly direction along the arc of said curve and along the Southeast right of way line of Little Mountain Circle for a distance of 196.43 feet to the point of ending of said curve; thence continue in a Northeasterly direction along the line tangent to the end of said curve and along the Southeast right of way line of Little Mountain Circle for a distance of 231.06 feet to the point of beginning of a new curve, said new curve being concave in a Southeasterly direction and having a deflection angle of 29 degrees 36 minutes 30 seconds and a radius of 106.91 feet; thence turn an angle to the right and run in a Northeasterly direction along the arc of said curve and along the Southeast right of way line of Little Mountain Circle for a distance of 110.49 feet; thence run in a Northeasterly direction along line tangent to the end of said curve and along the South right of way line of Little Mountain Circle for a distance of 67.50 feet to the point of beginning of another curve, said latest curve being concave in a Southerly direction and a deflection angle of 2 degrees 47 minutes 30 seconds and a radius of 1000.32 feet; thence turn an angle to the right and run in an Easterly direction along the arc of said curve and along the Southerly right of way line of Little Mountain Circle for a distance of 97.48 feet to the point of ending of said curve; thence run in an Easterly direction along line tangent to the end of said curve and along the Southerly right of way line of Little Mountain Circle for a distance of 94.94 feet to the point of beginning of another curve, said newest curve being concave in a Southwesterly direction and having a deflection angle of 17 degrees 58 minutes 14.5 seconds and a radius of 128.59 feet; thence turn an angle to the right and run in an Easterly and Southeasterly directions along the Southerly right of way line of Little Mountain Circle and along the arc of said curve for a distance of 80.67 feet to the point of ending of said curve; thence run in a Southeasterly direction along the Southwest right of way line of Little Mountain Circle and along line tangent to the end of said curve for a distance of 137.70 feet to the point of beginning of another curve, said curve being concave in a Northeasterly direction and having a central angle of 60 degrees and a radius of 50.0 feet; thence turn an angle to the right, (60 degrees 26 minutes 19 seconds to the tangent of said curve) and run in a Southerly and Southeasterly directions along the arc of said curve for a distance of 52.36 feet to the point of ending of said curve; thence turn an angle to the right (51 degrees 05 minutes from the tangent of last mentioned curve) and run in a Southerly direction along the East line of said quarter-quarter section for a distance of 248.68 feet, more or less, to the point of beginning.