

FILE FIRST

ASSIGNMENT OF MORTGAGE AND SECURITY AGREEMENT

When Recorded Return To:

Corporation Service Company
P.O. Box 2969
Springfield, IL 62708

RYS 796200-060

ident



20040712000383200 Pg 1/2 14.00
Shelby Cnty Judge of Probate, AL
07/12/2004 11:54:00 FILED/CERTIFIED

4310062380

FOR VALUE RECEIVED, the undersigned ("Assignor") hereby assigns and transfers to **REGENCY SAVINGS BANK, F.S.B.**, a federal savings bank ("Assignee"), and its successors and permitted assigns, without recourse (except as set forth in that certain Loan Portfolio Purchase Agreement between Assignor and Assignee dated as of June 16, 2004), the undersigned's interest in and to that certain **Assignment of Mortgage and Security Agreement** listed on Exhibit A hereto.

IN WITNESS WHEREOF, the undersigned has executed this Assignment the 21st day of June, 2004.

ASSIGNOR:

**NATIONWIDE LIFE INSURANCE
COMPANY**, an Ohio corporation

By: *Robert J. Maloney*

Print Name: **ROBERT J. MALONEY**

Its: **VICE PRESIDENT**

REAL ESTATE INVESTMENT

STATE OF OHIO)

COUNTY OF FRANKLIN)

On this 22nd day of June, 2004, before me, the subscriber, personally came Robert J. Maloney, to me known, who, being by me duly sworn, did depose and say that he is the authorized Vice President of Real Estate Investments of Nationwide Life Insurance Company, and that he signed his name thereto on behalf of and as the act of said company pursuant to authority granted to him by the company.

Sharon S. Ackley
Notary Public

**SHARON S. ACKLEY
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 1/18/07**

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Exhibit A

1. Mortgage and Security Agreement by and between Birmingham Realty Company as Mortgagor and Nationwide Life Insurance Company as Mortgagee, dated January 14, 1998, recorded in the office of the Shelby County, Alabama Judge of Probate as Instrument Number 1998-01781, on January 20, 1998.
2. First Amendment of Mortgage and Security Agreement by and between Birmingham Realty Company as Mortgagor and Nationwide Life Insurance Company as Mortgagee, dated April 3, 1998, recorded in the office of the Shelby County, Alabama Judge of Probate as Instrument Number 1998-13097, on April 13, 1998.

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