

STATE OF ALABAMA

COUNTY OF SHELBY

ASSIGNMENT OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, that National Bank of Commerce of Birmingham, a national banking association, for value received to it in hand by CitiMortgage, Inc., a corporation, (the "Assignee") does hereby grant, bargain, sell, convey and assign unto the Assignee all its rights and interest in and to a certain mortgage executed to it by CURTIS W. POSEY JR. AND HILDA B. POSEY, HUSBAND AND WIFE on 29TH day of JANUARY, 2004, and recorded in INSTRUMENT# 20040202000051730, 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 17A, ACCORDING TO A RESURVEY OF LOTS 1,9,10 AND 12 THRU 17 OF THE HIGHLANDS AT RIVERCHASE, AS RECORDED IN MAP BOOK 23, PAGE 51, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

THE AFORESAID MORTGAGE WAS MODIFIED BY LOAN MODIFICATION AGREEMENT DATED JANUARY 3, 2005 AND RECORDED IN Inst # 20050112000018700.

IN WITNESS WHEREOF, National Bank of Commerce of Birmingham has caused this assignment to be signed by Steven D. Fleming, its Senior Vice-President, and attested by Laurie W. Trimm, Vice President and Stephen B. Castleberry, Vice President, all as of the 3RD day of JANUARY, 2005, although this assignment has actually been signed and attested on the date set forth in the acknowledgment below.

NATIONAL BANK OF COMMERCE OF BIRMINGHAM

By:

Steven D. Fleming, Senior Vice President

Attest:

Laurie W. Trimm, Vice President

Stephen B. Castleberry, Vice President

STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Steven D. Fleming, whose name as Senior Vice President of National Bank of Commerce of Birmingham, is 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 19th day of Oct, 2004.

Shay R. Graynick
Notary Public

My commission expires: **NOTARY PUBLIC STATE OF ALABAMA AT LARGE**
MY COMMISSION EXPIRES: Feb 21, 2008
BONDED THRU NOTARY PUBLIC UNDERWRITERS

This instrument was prepared by:

TIM STEWART
1927 FIRST AVENUE NORTH
BIRMINGHAM, AL 35203
NATIONAL BANK OF COMMERCE

John Grant