

*Prepared by and upon  
recording return to:*  
Maynard, Cooper & Gale, P.C.  
2400 AmSouth/Harbert Plaza  
Birmingham, Alabama 35203  
Attention: Thomas M. McElroy II, Esq.

**ASSIGNMENT OF MULTIFAMILY MORTGAGE, ASSIGNMENT OF RENTS  
AND SECURITY AGREEMENT**

FOR VALUE RECEIVED, Collateral Mortgage Capital, LLC, a Delaware limited liability company ("Assignor") does hereby sell, assign, transfer, set over, endorse and deliver unto **FANNIE MAE** that certain Multifamily Mortgage, Assignment of Rents and Security Agreement dated as of February 11, 2005, between **Weatherby Manor, L.L.C.** ("Borrower"), and Collateral Mortgage Capital, LLC, as Lender, in the original principal amount of Six Million Seven Hundred Thirty-Nine Thousand and No/100 Dollars (\$6,739,000.00) recorded in the Official Records of Shelby County, Alabama, immediately prior hereto, covering the premises described on Exhibit A attached hereto and made a part hereof; together with the Multifamily Note described in said Multifamily Mortgage, Assignment of Rents and Security Agreement, and the monies due and to become due thereunder with interest.

IN WITNESS WHEREOF, Assignor has duly executed this Assignment as of the 11 day of February 11, 2005

COLLATERAL MORTGAGE CAPITAL, LLC  
a Delaware limited liability company

By: Collateral Management, LLC  
a Delaware limited liability company  
Its: Manager

By: [Signature]  
Name: BRETT N. BLANCHARD  
Title: MANAGING DIRECTOR

STATE OF ALABAMA        )  
                                  ) SS  
COUNTY OF JEFFERSON    )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Brett N. Blackwood, whose name as Managing Director of Collateral Management, LLC, a Delaware limited liability company, as manager of COLLATERAL MORTGAGE CAPITAL, LLC, a Delaware limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said limited liability company, acting in its capacity as manager of said limited liability company as aforesaid.

Given under my hand this the 9<sup>th</sup> day of February, 2005.

  
\_\_\_\_\_  
Notary Public

[SEAL]

My commission expires: \_\_\_\_\_  
Monica J. Schroeder  
Notary Public, State of Alabama  
Alabama State at Large  
My Commission Expires March 16, 2008

## **EXHIBIT A**

### **[DESCRIPTION OF THE LAND]**

(Wellington Manor Apartments)

#### **PHASE I:**

A tract of land situated in the South half of the Southeast quarter of Section 25 and the Northwest quarter of the Northeast quarter of Section 36, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Northwest corner of the Southwest quarter of the Southeast quarter of Section 25, Township 20 South, Range 3 West, Shelby County, Alabama and run in an Easterly direction along the North line of said quarter-quarter section a distance of 1222.60 feet to the point of beginning; thence continue in an Easterly direction along the North line of said quarter-quarter section and the North line of the Southeast quarter of the Southeast quarter a distance of 389.61 feet to a point on the Westerly right of way line of Interstate Highway I-65; thence turn an interior angle of  $93^{\circ} 35' 03''$  and run to the right in a Southerly direction along the Westerly right of way line of I-65 a distance of 532.46 feet to a point; thence turn an interior angle of  $210^{\circ} 58' 46''$  and run to the left in a Southeasterly direction along the Westerly right of way line of I-65 a distance of 174.91 feet to a point; thence turn an interior angle of  $149^{\circ} 06' 36''$  and run to the right in a Southerly direction along the Westerly right of way line of I-65 a distance of 173.37 feet to a point; thence turn an interior angle of  $128^{\circ} 02' 08''$  and leaving the I-65 right of way run in a Southwesterly direction a distance of 239.40 feet to the PC of a curve; thence continue in a Southwesterly direction along the arc of a curve to the left having a central angle of  $8^{\circ} 03' 07''$  and a radius of 1942.02 feet a distance of 272.92 feet to a point; thence turn an interior angle of  $126^{\circ} 10' 14''$  (angle measured from tangent) and run to the right in a Westerly direction a distance of 262.25 feet to a point; thence turn an interior angle of  $270^{\circ} 00' 00''$  and run to the left in a Southerly direction a distance of 382.52 feet to a point on the North right of way line of Shelby County Highway No. 68; thence turn an interior angle of  $90^{\circ} 00' 00''$  and run to the right in a Westerly direction along the Northerly right of way line of Shelby County Highway No. 68 a distance of 48.11 feet to the P.C. of a curve; thence continue in a Westerly direction along the Northerly right of way line of Shelby County Highway No. 68 and along the arc of a curve to the right having a central angle of  $1^{\circ} 44' 55''$  and a radius of 881.99 feet a distance of 26.92 feet to a point on the curve; thence turn an interior angle of  $91^{\circ} 41' 13''$  (angle measured from tangent) and run to the right in a Northerly direction a distance of 383.27 feet to a point on a curve, thence turn an interior angle of  $267^{\circ} 03' 09''$  (angle measured to tangent) and run to the left in a Westerly direction along the arc of a curve to the right having a central angle of  $17^{\circ} 44' 49''$  and a radius of 499.48 feet a distance of 154.71 feet to the PT of said curve; thence continue in a Northwesterly direction along the projection of the tangent to the last described curve a distance of 365.17 feet to a point; thence turn an interior angle of  $116^{\circ} 37' 27''$  and run to the right in a Northerly direction a distance of 314.84 feet to a point; thence turn an interior angle of  $88^{\circ} 11' 56''$  and run to the right in an Easterly direction a distance of 364.66 feet to a point; thence turn



an interior angle of 246° 03' 03" and run to the left in a Northeasterly direction a distance of 730.55 feet to the point of beginning.

PHASE II:

A tract of land situated in the Southwest 1/4 of the Southeast 1/4 of Section 25 and in the Northwest 1/4 of the Northeast 1/4 of Section 36, all in Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follow:

Commence at the Northwest corner of the Southwest 1/4 of the Southeast 1/4 of Section 25, Township 20 South, Range 3 West, Shelby County, Alabama and run Easterly along the North line of said 1/4 1/4 section for 1120.60 feet; thence turn 113 Degrees 57 Minutes 02 Seconds right and run Southwesterly for 730.55 feet; thence turn 66 Degrees 03 Minutes 03 Seconds right and run Westerly for 364.66 feet; thence turn 91 Degrees 48 Minutes 04 Seconds left and run southerly for 314.84 feet to the point of beginning of the tract of land herein described, thence continue along the last described course for 88.41 feet to a point; thence turn 47 Degrees 26 Minutes 24 Seconds right to the tangent of a curve to the left, said curve having a radius of 519.78 feet and a central angle of 23 Degrees 58 Minutes 43 Seconds; thence run Southwesterly along said curve for 217.53 feet to the point of a tangent to said curve; thence run Southwesterly along the tangent to said curve for 101.55 feet to a point on the Northerly Right of Way line of Shelby County Highway No. 68; thence turn 93 Degrees 57 Minutes 01 Seconds left to the tangent of a curve to the right said curve having a radius of 1,440.04 feet and a central angle of 7 Degrees 09 Minutes 25 Seconds; thence run Southeasterly along said curve and said Right of Way line for 179.88 feet to the point of tangent to said curve; thence run Southeasterly along said tangent and said Right of Way line for 173.42 feet to the point of beginning of a curve to the left, said curve having a radius of 881.99 feet and a central angle of 19 Degrees 03 Minutes 05 Seconds; thence run along said curve and said Right of Way line for 293.27 feet to a point on the Westerly Right of Way line of Weatherly Manor Drive; thence turn 91 Degrees 41 Minutes 13 Seconds left from the tangent to said curve at said point and run Northerly along said Weatherly Manor Drive Right of Way for 383.27 feet to a point; thence turn 87 Degrees 03 Minutes 09 Seconds left to the tangent of a curve to the right, said curve having a radius of 499.48 feet and a central angle of 17 Degrees 44 Minutes 49 Seconds; thence run Northwesterly along said curve for 154.71 feet to the point of a tangent to said curve; thence run along the tangent to said curve at said point for 365.17 feet to the point of beginning.