



20060118000026390 1/5 \$23.00  
Shelby Cnty Judge of Probate, AL  
01/18/2006 08:48:11AM FILED/CERT



National Asset Management Group  
DP Department  
14320 Firestone Blvd. #303  
La Mirada, CA 90638

L20160 D26206

Property: River Place Apts.

GMACCM #01-1050117

**ASSIGNMENT OF MORTGAGE, ASSIGNMENT OF RENTS AND LEASES,  
SECURITY AGREEMENT AND FIXTURE FILING  
AND ASSIGNMENT OF ASSIGNMENT OF LEASES AND RENTS**

GMAC COMMERCIAL MORTGAGE BANK, a Utah industrial bank, whose address is 6955 Union Park Center, Suite 330, Midvale, Utah 84047 ("Assignor"), as the holder of the instrument hereinafter described and for good and valuable consideration, hereby endorses, assigns, sells, transfers and delivers to **Wells Fargo Bank, N.A., as trustee for the registered Holders of Credit Suisse First Boston Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates, Series 2005-C5**, its successors, participants and assigns (collectively, "Assignee"), all right, title and interest of GMAC Commercial Mortgage Bank in and to the following:

- A Mortgage, Assignment of Rents and Leases, Security Agreement and Fixture Filing by River Place, L.L.C., an Alabama limited liability company, (the "Borrower"), to GMAC Commercial Mortgage Bank, dated as of September 15, 2005, and recorded on September 16, 2005, in the land records of Shelby County, Alabama as Instrument #20050916000483010, securing the payment of a Promissory Note (the "Note"), dated of even date, in the original principal amount of \$11,700,000.00 made by the Borrower, payable to the order of GMAC Commercial Mortgage Bank, and encumbering the property described in Exhibit "A" attached hereto and by this reference made a part hereof.
- An Assignment of Leases and Rents dated September 15, 2005, made by River Place, L.L.C., an Alabama limited liability company, and assignor, Said Assignment of Leases and Rents was recorded on September 16, 2005, in the land records of Shelby County, Alabama as Instrument #20050916000483020, and encumbers the real property described in Exhibit "A", attached hereto and incorporated





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herein.

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 GMAC Commercial Mortgage Bank hereunder possesses or to which GMAC Commercial Mortgage Bank is otherwise entitled as additional security for the payment of the Note 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, GMAC Commercial Mortgage Bank has duly executed this Assignment as of the 9 November, 2005.

WITNESS:

GMAC COMMERCIAL MORTGAGE  
BANK

By:

Name: Cynthia A. Tann  
Title: Limited Signer

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COMMONWEALTH OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF MONTGOMERY )

The foregoing instrument was acknowledged before me this 9  
November, 2005 by Cynthia A. Tann, Limited Signer for GMAC  
Commercial Mortgage Bank, a Utah industrial bank, on behalf of  
the bank.

  
Notary Public

**My Commission Expires:**

Commonwealth of Pennsylvania

Notarial Seal  
Virginia M. Sterling Notary Public  
Horsham Twp., Montgomery County  
My Commission Expires Sept. 22, 2009

When recorded mail to:

PREPARED BY:

GMACCM  
200 Witmer Road  
Horsham, PA 19044



EXHIBIT A

(Legal Description)

A tract of land situated in the Northwest  $\frac{1}{4}$  of Section 3, Township 19 South, Range 2 West, Shelby County, Alabama, said tract being part of Block 2 of Altadena Park, as recorded in Map Book 5, Page 73, part of Lot 1, Butte Woods Ranch Addition to Altadena Valley as recorded in Map Book 5, Page 1, all recorded in the Probate Office of Shelby County, Alabama, said tract of land more particularly described as follows:

Commence at the Southwest corner of the Northeast  $\frac{1}{4}$ , Northwest  $\frac{1}{4}$  of said Section 3, and run thence Easterly along the South line thereof 69.02 feet; thence turn 69 degrees 30 minutes 50 seconds right and run Southeasterly 96.27 feet to the point of beginning, said point being on the Northerly line of Lot 1 of said Altadena Park; thence turn 90 degrees 00 minutes left and run Northeasterly 240.0 feet to the Northern most corner of said Lot 1; thence turn 90 degrees 58 minutes 45 seconds right and run Southeasterly 149.79 feet to the Southeast corner of said Lot 1; thence turn 6 degrees 16 minutes 15 seconds right and run Southeasterly along the Easterly line of Lot 2 of said subdivision 144.94 feet to the most Easterly corner of Lot 2; thence turn 7 degrees 01 minutes 15 seconds right and run Southerly along the Easterly line of Lot 3 of said subdivision for 57.52 feet to a point on last said lot line ; thence turn 106 degrees 56 minutes 15 seconds left and run Northeasterly 128.13 feet; thence turn 84 degrees 50 minutes right and run Southeasterly for 195.0 feet; thence turn 20 degrees 59 minutes 30 seconds left and run Southeasterly for 333.22 feet; thence turn 52 degrees 39 minutes 30 seconds left and run Easterly for 150.0 feet; thence turn 90 degrees left and run Northerly for 600.14 feet; thence turn 41 degrees 00 minutes right and run Northeasterly for 300.00 feet; thence turn 14 degrees 00 minutes left and run Northeasterly for 125.0 feet; thence turn 25 degrees 00 minutes left and run Northerly for 170.0 feet; thence turn 87 degrees 58 minutes 40 seconds right and run Easterly for 137.41 feet to a point on the East line of the Northeast  $\frac{1}{4}$  of Northwest  $\frac{1}{4}$ , Section 3, Township 19 South Range 2 West; thence turn left 90 degrees and run Northerly along said  $\frac{1}{4}$  -  $\frac{1}{4}$  line for 270 feet, more or less, to the Westerly bank of the Cahaba river; thence run Northerly and Westerly along the Southwest bank of said river 1400 feet; more or less, to the West line of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 3, said point also being on the Easterly line of Lot 1 of said Butte Woods Ranch Addition to Altadena Valley, thence run Northerly along last said  $\frac{1}{4}$  -  $\frac{1}{4}$  section line and said lot line for 90 feet, more or less, to the Northeasterly corner of said Lot 1; thence turn left and run Westerly along the Northerly line of said Lot 1 for 240 feet, more or less, to the Northwest corner of said Lot 1; thence turn left and run Southwesterly and along the Easterly right-of-way line of Caldwell Mill Road for 425 feet, more or less, to an existing iron rebar set by Laurence D. Weygand; thence turn left 31 degrees 45 minutes and run Southeasterly for 67.96 feet, to an existing iron rebar set by Laurence D. Weygand; thence turn left 31 degrees 45 minutes and run Southeasterly along the new Northeasterly right-of-way line of Old Caldwell Mill Road for 231.58 feet to the beginning of a curve to the right having a radius of 263.05 feet; thence continue Southeasterly and along said right-of-way line and along the arc of said curve 162.13 feet to the end of said curve; thence continue Southeasterly on a course tangent to said curve, and along said right-of-way line 245.3 feet to the point of beginning. Situated in Shelby County, Alabama.

LESS AND EXCEPT:



Part of the Northwest  $\frac{1}{4}$  of Section 3, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Beginning at an existing crimp iron pin, being the most Westerly corner of Lot 1A, Altadena Park Resurvey, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 5, Page 111, run in a Northwesterly direction, along the Northeast right-of-way line of Old Caldwell Mill Road, for a distance of 245.65 feet to an existing crimp iron pin and being the point of beginning of a curve, said curve being concave in a Southwesterly direction and having a central angle of 35 degrees 18 minutes 51 seconds and a radius of 263.05 feet; thence turn an angle to the left and run in a Northwesterly direction, along the arc of said curve and along the Northeast right-of-way line of said Old Caldwell Mill Road, for a distance of 162.13 feet, to the point of ending of said curve; thence continue in a Northwesterly direction, along a line tangent to the end of said curve, and along the Northeast right-of-way line of said Old Caldwell Mill Road, for a distance of 231.58 feet; thence turn an angle to the right of 31 degrees 45 minutes and run in a Northwesterly direction for a distance of 67.96 feet to a point on the East right-of-way line of Caldwell Mill Road; thence turn an angle to the right of 31 degrees 45 minutes and run in a Northerly direction, along the East right-of-way line of said Caldwell Mill Road, for a distance of 162.68 feet to a point of intersection with a curve, said curve being concave in a Northwesterly direction and having a central angle of 3 degrees 36 minutes 16 seconds and a radius of 2005.22 feet; thence turn an angle to the right (59 degrees 20 minutes 24 seconds to the chord of said curve) and run in a Northeasterly direction, along the arc of said curve, for a distance of 126.15 feet to a point of reverse curve, said latest curve being concave in a Southerly direction and having a central angle of 36 degrees 13 minutes 17 seconds and a radius of 58.97 feet; thence turn an angle to the right and run in a Northeasterly and Easterly direction, along the arc of said curve, for a distance of 37.28 feet to the point of ending of said curve; thence run in an Easterly direction, along a line tangent to the end of said curve, for a distance of 102.25 feet, to the point of beginning; thence turn an angle to the right of 63 degrees 45 minutes 02 seconds and run in a Southeasterly direction for a distance of 55.01 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 91 degrees 51 minutes 45 seconds and run in a Northeasterly direction for a distance of 150.88 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 94 degrees 18 minutes 35 seconds and run in a Northwesterly direction for a distance of 55.20 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 82 degrees 59 minutes 55 seconds and run in a Southwesterly direction for a distance of 144.88 feet to an existing iron rebar set by Laurence D. Weygand; thence turn an angle to the left of 90 degrees 49 minutes 45 seconds and run in a Southerly direction for a distance of 6.87 feet, more or less to the point of beginning.

All being situated in Shelby County, Alabama.