

20061229000636640 1/1 \$11.00  
Shelby Cnty Judge of Probate, AL  
12/29/2006 12:41:20PM FILED/CERT

## ASSIGNMENT OF NOTE AND SECURITY

STATE OF ALABAMA  
SHELBY COUNTY

LOAN NUMBER 911 133 40-04

FOR VALUE RECEIVED, the undersigned hereby transfers, sets over, and assigns unto the SMALL BUSINESS ADMINISTRATION all of its right, title, and interest in and to the following:

Promissory Note, SBA Form 1505, dated this date, in the original principal amount of \$401,000.00, executed by SMITH MTN., INC. in favor of the SOUTHERN DEVELOPMENT COUNCIL, INC.

Real Property Mortgage dated this date, executed by SMITH MTN., INC. in favor of SOUTHERN DEVELOPMENT COUNCIL, INC., and filed for record on ~~October~~ *November* 13, 2006, in Instrument 20061113000554990 in the Office of Judge of Probate of Shelby County, Alabama.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed and its seal affixed by its duly authorized officer this 11th day of October 2006.

SOUTHERN DEVELOPMENT COUNCIL, INC.

BY: *Willie Day*  
(Its [Vice] President)

STATE OF ALABAMA )  
MONTGOMERY COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that *William C. Brown*, whose name as [Vice] President of SOUTHERN DEVELOPMENT COUNCIL, INC., a corporation, 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/she, as such officer, and with full authority, executed the same voluntarily, as an act of said corporation, acting in its capacity as aforesaid.

Given under my hand and official seal, this the 11th day of October 2006.

*Public Penell*  
NOTARY PUBLIC

My Commission Expires: 06/02/09

THIS INSTRUMENT PREPARED BY:

William C. Brown  
ENGEL, HAIRSTON & JOHANSON, P.C.  
P.O. Box 11405  
Birmingham, Alabama 35202  
(205)328-4600