


20100114000013420 1/3 \$18.00
Shelby Cnty Judge of Probate, AL
01/14/2010 01:39:34 PM FILED/CERT

Property: Huntley Hall Apartments
Pelham, AL
Servicer Loan # 101071922

Pool # 628963PN
Project # 062-35586

ASSIGNMENT OF Mortgage

Capmark Finance Inc., Debtor-In-Possession, a California corporation, whose address is 116 WELSH ROAD, HORSHAM, PENNSYLVANIA 19044 ("Capmark"), as the holder of the instrument hereinafter described and for good and valuable consideration hereby endorses, assigns, sells, transfers and delivers to

Berkadia Commercial Mortgage LLC
118 Welsh Road
Horsham PA 19044

its successors, participants and assigns (collectively, "Assignee"), all right, title and interest of Berkadia Commercial Mortgage LLC in and to the following:

A Mortgage, by **Huntley Hall Apartments, Ltd**, the ("Borrower"), **Highland Mortgage Company** [and "**HIGHLAND**"] dated as of **6/10/2004**, and recorded **8/10/2004**, recording info: **20040610000314500**, in the **Shelby** County, **Alabama** records, securing the payment of a Promissory Note (the "Note"), dated of even date, in the original principal amount of **\$14,905,900.00** made by the Borrower, payable to the order of **HIGHLAND**, and encumbering the property described in Exhibit "A" attached hereto and by this reference made a part hereof.

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 Berkadia Commercial Mortgage LLC hereunder possesses or to which

Berkadia Commercial Mortgage LLC is otherwise entitled as additional security for the payment of the Note and other obligations described herein.

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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, Capmark has duly executed this Assignment as of the 10th day of December, 2009.

Capmark Finance Inc., Debtor-In-Possession
A California Corporation

by:


James J. Goodall
Vice President

STATE OF PENNSYLVANIA

SS:

COUNTY OF MONTGOMERY

On the 10th day of December , 2009, before me
Stephen D. Belfatti, a Notary Public in and for the said State, personally appeared **James J. Goodall, Vice President** of Capmark Finance Inc., Debtor-In-Possession, personally known to me or proved to me on the basis of satisfactory evidence to be the individual who name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

In Witness Whereof, I have hereunto set my hand and official seal


Notary Public

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
STEPHEN D. BELFATTI, Notary Public
Horsham Twp., Montgomery County
My Commission Expires March 19, 2012

Prepared by:
CT Lien Solutions
PO Box 29071, Glendale, CA 91209-9071
800-331-3282

When recorded mail to:
CT Lien Solutions 21306782
PO Box 29071, Glendale, CA 91209-9071
CTLS ID: CFI1300

Loan:101071922 Proj:062-35586

10-1071922



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* Huntley Hall Apts

EXHIBIT A

A parcel of land situated in the NW ¼ of the NW ¼ of Section 30, Township 20 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

Begin at the NW corner of said Section 30, said point being the Point of Beginning; thence South 89°26'05" East along North line of said ¼ - ¼ Section, a distance of 625.00 feet; thence South 00°26'48" West, a distance of 1,310.02 feet; thence North 89°22'20" West, a distance of 625.00 feet; thence North 00°26'48" East, a distance of 1,309.34 feet to the Point of Beginning.

LESS AND EXCEPT the following:

Commence at the NW corner of Section 30, Township 20 South, Range 2 West and thence S 89°26'05" E a distance of 566.51 foot to the Point of Beginning; thence S 89°26'05" E a distance of 38.49 foot; thence S 00°26'48" W a distance of 359.29 feet; thence with a curve turning to the right with an arc length of 364.74 feet, with a radius of 780.00 feet, with a chord bearing of N 05°40'02" W, with a chord length of 361.42 feet, which is the point of beginning.

TOGETHER WITH A non-exclusive easement for ingress, egress and utilities, as set forth in Easement, Joint Use and Maintenance Agreement recorded in Instrument _____, more particularly described as follows:

A non-exclusive Proposed Easement for the purpose of ingress, Egress and Utilities. Commence at the NW corner of Section 30 Township 20 South, Range 2 West and thence S 00°26'48"W a distance of 350.56 feet; thence S 89°33'12"E a distance of 653.28 feet to the Point of Beginning of a 60 foot Ingress, Egress and Utility Easement lying 30 feet either side of the following described center line; thence with a curve turning to the right with an arc length of 676.99 feet, with a radius of 750.00 feet, with a chord bearing of N 06°47'45"E, with a chord length of 654.24 feet, thence with a curve turning to the left with an arc length of 170.51 feet, with a radius of 300.00 feet, with a chord bearing of N 16°22'20"E, with a chord length of 168.22 feet, thence N 00°05'23"E a distance of 622.22 feet, thence with a curve turning to the left with an arc length of 233.14 feet, with a radius of 300.00 feet, with a chord bearing of N 22°10'25"W, with a chord length of 227.32 feet, thence with a curve turning to the right with an arc length of 430.04 feet, with a radius of 300.00 feet, with a chord bearing of N 03°22'18"W, with a chord length of 394.15 feet, thence N 37°41'38"E a distance of 31.96 feet to the Point of Termination of said easement.

Less and except any property lying in the Shelby County Highway right-of-way as recorded in Instrument #200404080001834000.

ALSO, a permanent, perpetual and non-exclusive easement for utilities as set forth in Declaration of Utility Easement as recorded in Instrument _____, more particularly described as follows:

Commence at the NW corner of Section 30 Township 20 South, Range 2 West and thence S 89°26'05"E a distance of 566.35 foot to the Point of Beginning; thence with a curve turning to the right with an arc length of 350.54 feet, with a radius of 800.00 feet, with a chord bearing of N 20°06'07"E, with a chord length of 347.75 feet, thence with a curve turning to the left with an arc length of 142.09 feet, with a radius of 250.00 feet, with a chord bearing of N 16°22'20"E, with a chord length of 140.19 feet, thence N 00°05'23"E a distance of 622.22 feet, thence with a curve turning to the left with an arc length of 94.28 feet, with a radius of 250.00 feet, with a chord bearing of N 22°10'25"W, with a chord length of 189.43 feet, thence with a curve turning to the right with an arc length of 486.54 feet, with a radius of 350.00 feet, with a chord bearing of N 04°36'47"W, with a chord length of 448.30 feet, thence N 50°03'21"W a distance of 243.63 feet, thence N 13°16'13"E a distance of 41.76 feet; thence N 60°03'21"E a distance of 258.00 feet; thence with a curve turning to the right with an arc length of 34.12 feet, with a radius of 20.00 feet, with a chord bearing of S 11°10'51"E, with a chord length of 30.13 feet, thence S 37°41'38"W a distance of 4.97 feet; thence with a curve turning to the left with an arc length of 473.04 feet, with a radius of 330.00 feet, with a chord bearing of S 03°22'18"E, with a chord length of 433.57 feet, thence with a curve turning to the right with an arc length of 209.83 feet, with a radius of 270.00 feet, with a chord bearing of S 22°10'25"E, with a chord length of 204.59 feet, thence S 00°05'23"W a distance of 622.22 feet; thence with a curve turning to the right with an arc length of 53.46 feet, with a radius of 270.00 feet, with a chord bearing of S 16°22'20"W, with a chord length of 151.40 feet, thence with a curve turning to the left with an arc length of 339.33 feet, with a radius of 780.00, with a chord bearing of S 20°11'30"W, with a chord length of 336.66 feet, thence N 89°26'05"W a distance of 20.15 feet which is the point of beginning.

Less and except any property lying in the Shelby County Highway right-of-way as recorded in Instrument #200404080001834000.