  
20100505000138960 1/2 \$14.00  
Shelby Cnty Judge of Probate, AL  
05/05/2010 11:10:47 AM FILED/CERT

This Document Prepared By and  
After Recording Return To:  
**MGC MORTGAGE, INC.**  
Attn: Carissa Golden, Manager  
Post Closing/Lien Release Dept.  
P.O. Box 251686  
Plano, Texas 75025-9933  
BC: 693200

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## **ASSIGNMENT OF MORTGAGE (WITH FUTURE ADVANCE CLAUSE)**

**APN No:** n/a

**Property Address:** 363 HIGHLAND VIEW DR, BIRMINGHAM, AL 35242

THIS ASSIGNMENT OF MORTGAGE (WITH FUTURE ADVANCE CLAUSE) (this "Assignment") is made by FEDERAL DEPOSIT INSURANCE CORPORATION as Receiver for New South Federal Savings Bank, Irondale, Alabama, whose address is 1601 Bryan Street, Dallas, Texas 75201 ("Assignor"), to and in favor of BEAL BANK, whose address is 6000 Legacy Drive, Plano, Texas 75024 ("Assignee"), pursuant to the terms of that certain Purchase and Assumption Agreement, (the "Purchase Agreement"), effective December 18, 2009, between Federal Deposit Insurance Corporation in its Corporate and/or Receivership Capacity and Beal Bank.

This assignment is made without recourse, representation or warranty, express or implied, by the FDIC in its corporate capacity or as Receiver.

THIS ASSIGNMENT WITNESSES THAT, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration paid by Assignee, Assignor hereby assigns, transfers, sets over and conveys to Assignee and its successors and assigns, except as expressly set forth in the Purchase Agreement, the following:

1. that certain Mortgage (With Future Advance Clause) from Floyd Raymond Merrill, Jr and Josephine L Merrill, Husband and Wife, dated July 10, 2008 and recorded July 22, 2008, in Book n/a, at Page n/a, as Instrument No. 20080722000296170, recorded in the Clerk's Office of the County of Shelby, State of Alabama, (the "Mortgage (With Future Advance Clause)"), which Mortgage (With Future Advance Clause) secures that certain Promissory Note made by Floyd Raymond Merrill, Jr And Josephine L Merrill, executed by Floyd Raymond Merrill, Jr And Josephine L Merrill, in the original principal amount of \$200,000.00, dated July 10, 2008 and payable to the order of New South Federal Savings Bank, as renewed, extended, amended or modified (the "Note");

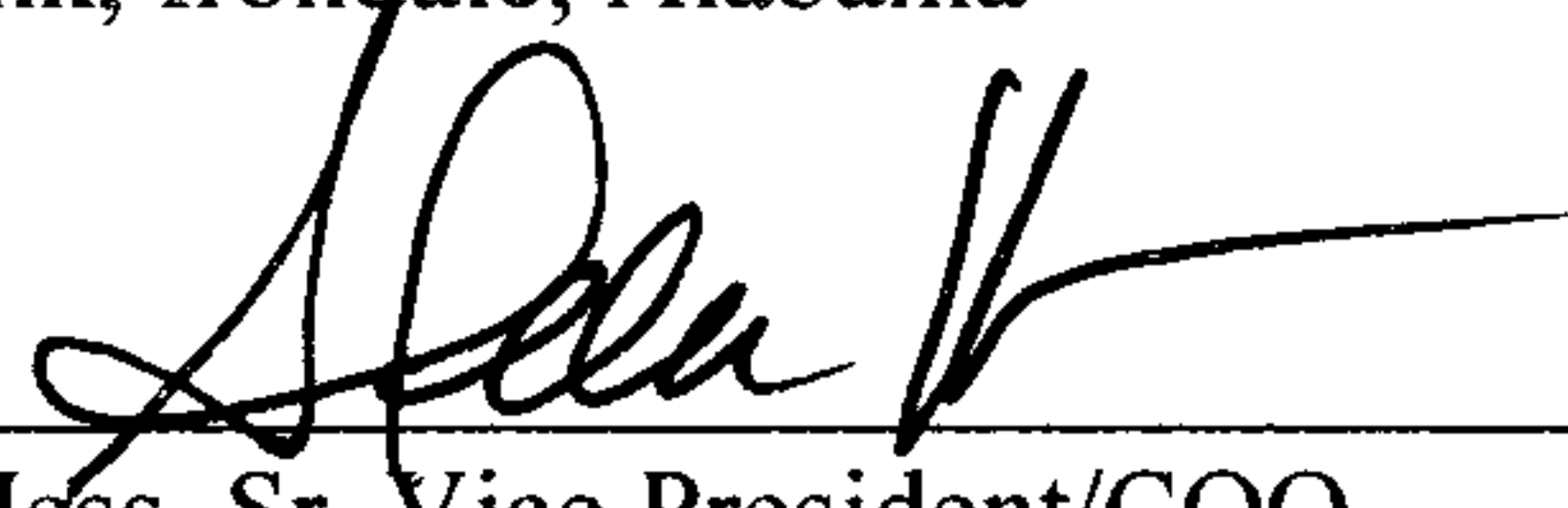


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2. such other documents, agreements, instruments and other collateral that evidence, secure or otherwise relate to Assignor's right, title or interest in and to the Mortgage (With Future Advance Clause) and/or the Note and/or the loan evidenced by the Note, including without limitation the title insurance policies and hazard insurance policies relating thereto that are in effect.

**IN WITNESS WHEREOF**, Assignor has caused this Assignment to be executed and delivered by its Authorized Representative as of the 27<sup>th</sup> day of April, 2010.

FEDERAL DEPOSIT INSURANCE  
 CORPORATION as Receiver for New South Federal  
 Savings Bank, Irondale, Alabama

By:   
 Stella Hess, Sr. Vice President/COO  
 MGC Mortgage, Inc. *or*  
 Attorney-In-Fact

**POA to be recorded immediately prior to this  
 assignment, or POA previously recorded \_\_\_\_\_,  
 Instrument # \_\_\_\_\_, in Book \_\_\_\_\_, at Page  
 \_\_\_\_\_.**

#### ACKNOWLEDGMENT

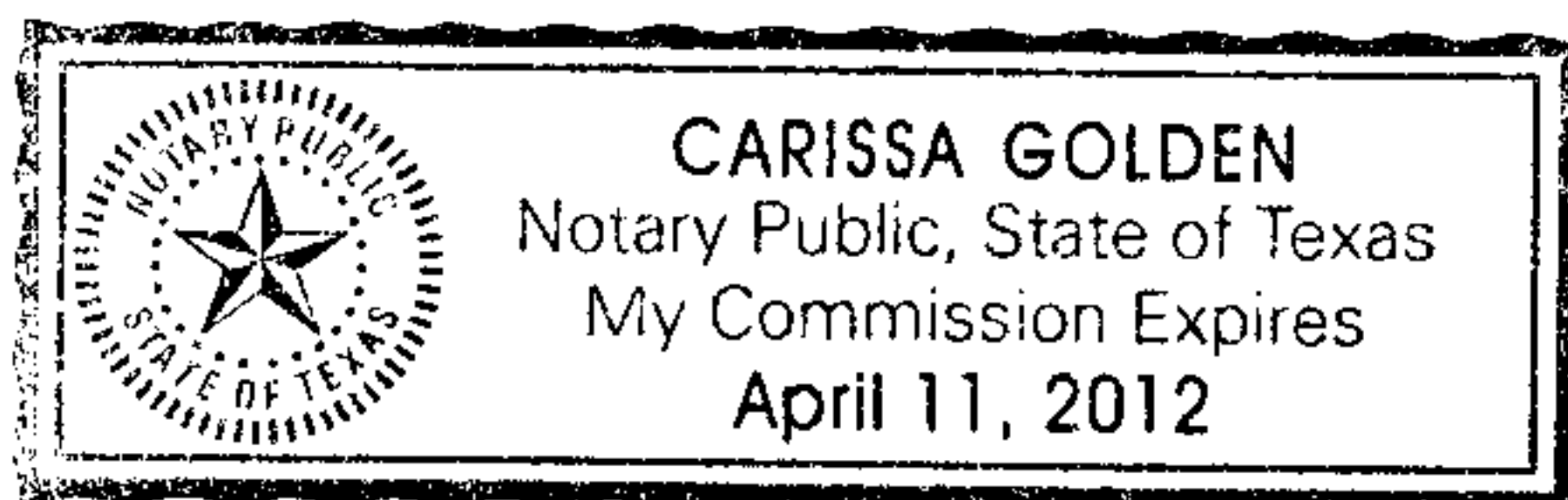
STATE OF TEXAS


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COUNTY OF COLLIN

Before me, the undersigned, a Notary Public, on this day personally appeared Stella Hess, Sr. Vice President/COO of MGC Mortgage, Inc., the Attorney-In-Fact of Federal Deposit Insurance Corporation as Receiver for New South Federal Savings Bank, Irondale, Alabama, who is personally well known to me (or sufficiently proven) to be the person who executed the foregoing instrument by virtue of the authority vested in him, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacities therein stated.

Given under my hand and seal this 27<sup>th</sup> day of April, 2010.



  
 Notary Name: Carissa Golden  
 Notary Public, State of Texas  
 My commission expires: April 11, 2012

A F F I X NOTARY SEAL