

This Instrument Prepared By:

Paul H. Greenwood
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1901 Sixth Avenue North, Suite 1500
Birmingham, Alabama 35203
(205) 251-8100

STATE OF ALABAMA

SHELBY COUNTY

NOTE TO RECORDING OFFICE:

Please index under:

Henry Fillingim, III

J. Elliot Corp.

The Bank

Eric Harden

Ocyce Harden

Superior Bank

Cadence Bank, N.A.

NOTICE OF ASSIGNMENT OF MORTGAGE

WHEREAS, Henry Fillingim, III executed that certain Mortgage in favor of J. Elliot Corp. dated October 30, 2003 (the "Mortgage"), which mortgage is recorded in **Instrument Number 20031030000724300** in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Court"), whereby Henry Fillingim, III granted a first priority mortgage on certain real property located in Shelby County, Alabama, more particularly described as follows:

Lot 7, according to the Amended Map of Final Plat, Wynfield Parc, Phase One, as recorded in Map Book 27, Page 43, in the Probate Office of Shelby County, Alabama.

WHEREAS, the Mortgage was granted as security for a certain promissory note dated October 30, 2003, executed by Henry Fillingim, III in favor of J. Elliot Corp., as more particularly described in the Mortgage (the "Note");

WHEREAS, J. Elliot Corp. did grant, sell, convey and assign the Note and the Mortgage to The Bank, an Alabama banking corporation, as evidenced by, without limitation, that certain Assignment of Mortgage dated October 30, 2003, recorded in **Instrument Number 20031030000724310** in the Probate Court (the "Assignment");

WHEREAS, subsequent to the Assignment, J. Elliot Corp. purportedly assigned the Note and the Mortgage to Eric Harden and wife, Ocyce Harden, as evidenced by that certain Assignment of Mortgage dated October 30, 2003, recorded in **Instrument Number 20040803000429740** in the Probate Court (the "Invalid Assignment");

WHEREAS, on or about November 1, 2005, The Bank, an Alabama banking corporation, merged into The Bank, a federal savings bank, which subsequently changed its name to Superior Bank, a federal savings bank, on or about January 1, 2006. On April 15, 2011, the Federal Deposit Insurance Corporation (the "FDIC") became the receiver of Superior Bank, a federal savings bank. Superior Bank, National Association, a national banking association ("Superior

National”), then entered into a certain Purchase and Assumption Agreement dated as of April 15, 2011 (the “Purchase and Assumption Agreement”), whereby Superior National purchased certain assets from the FDIC, as receiver of Superior Bank, including but not limited to the Assignment. The Purchase and Assumption Agreement is evidenced by an Assignment of Security Instruments and Other Loan Documents, which is recorded in Instrument Number 20110613000173700 in the Probate Court. On November 11, 2011, Superior National merged into Cadence Bank; and

WHEREAS, Cadence Bank is the holder of the Mortgage and the Note.

NOW, THEREFORE, Cadence Bank, as holder of the Mortgage and the Note, hereby records this Notice of Assignment of Mortgage to give public notice that:

1. Cadence Bank is the sole holder of the Mortgage and the Note;
2. Cadence Bank maintains that the Invalid Assignment is null and void, and has no impact upon Cadence Bank’s rights as the holder of the Mortgage and the Note, based on well-settled Alabama law;
3. **No party other than Cadence Bank is authorized to execute any release or satisfaction of the Note or the Mortgage, or to alter, amend or modify the Note or the Mortgage;** and
4. Any inquiry regarding the Mortgage or the Note shall hereinafter be sent to the following address:


Cadence Bank, N.A.
Attention: Michael R. Moers
17 20th St. North
Birmingham, AL 35203

with a copy to: Paul H. Greenwood
Attorney for Cadence Bank, N.A.
Balch & Bingham LLP
1901 Sixth Avenue North, Suite 1500
Birmingham, Alabama 35203

IN WITNESS WHEREOF, Cadence Bank has caused this instrument to be executed by Michael R. Moers, its Special Assets Group Director of Recovery & Compliance / Governance, as of this 24th day of August, 2012.



Michael R. Moers, as Special Assets Group Director of Recovery & Compliance / Governance


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Shelby Cnty Judge of Probate, AL
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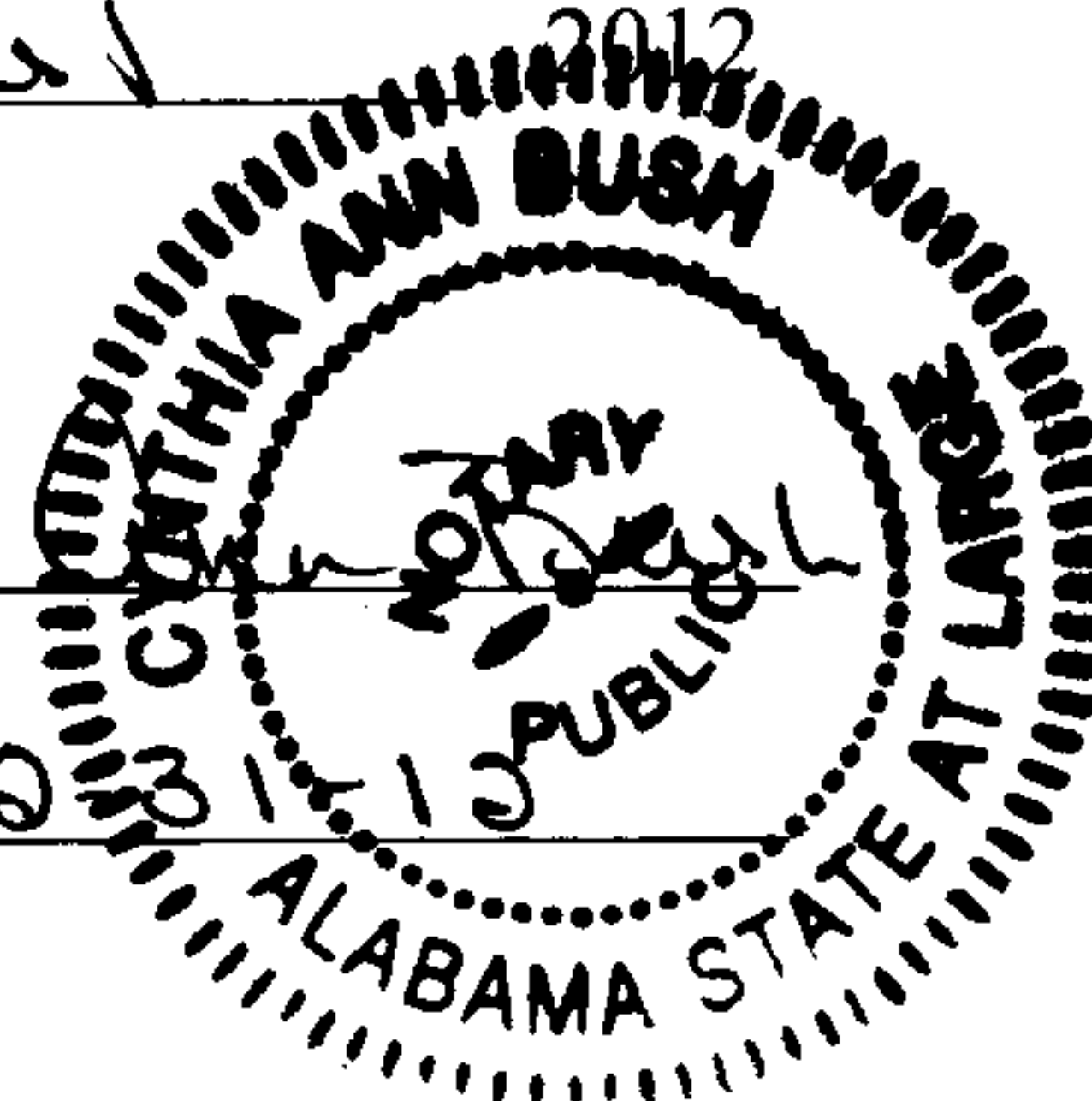
STATE OF ALABAMA)
)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **Michael R. Moers**, whose name as Special Assets Group Director of Recovery & Compliance / Governance of Cadence Bank, N.A., a national banking association, 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 such instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said national banking association.

Witness my hand and official seal, this the 24th day of August, 2012

Notary Public: Cynthia Ann Bush

My Commission Expires: 12-31-13



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