

STATE OF ALABAMA

JEFFERSON COUNTY

SCRIVENER'S AFFIDAVIT

Before me, the undersigned, a notary public in and for said county in said state, personally appeared John E. Hagefstration, Jr. who, being by me first duly sworn, deposes and states as follows:

1. I prepared the following documents (collectively, the "Loan Documents") which were executed on May 22, 1997 by Pelham Industrial Enterprises VII, L.L.C. in favor of First Commercial Bank: (i) that certain Mortgage and Security Agreement, which is recorded in the Office of the Judge of Probate of Shelby County as Instrument No. 1997-16411.; (ii) that certain Assignment of Leases and Rents which is recorded in the Office of the Judge of Probate of Shelby County as Instrument 1997-16413; and (iii) that certain UCC-I Financing Statement which is recorded in the Office of the Judge of Probate of Shelby County as Instrument 1997-16412.

2. A subsequent review of the survey of the property which is encumbered by the Loan Documents has revealed that the legal description of the real estate which is set forth in each of the Loan Documents contains two typographical errors. Accordingly, the correct legal description of this property should have read as follows (with the two corrections underlined):

That certain parcel of land situated in Shelby County, Alabama, which is more particularly described as follows:

Part of Block 3 of Cahaba Valley Park North as recorded in Map Book 13, Page 140, in the Office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows: Commence at the Northeast corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, said $\frac{1}{4}$ - $\frac{1}{4}$ Section corner being 1,331.88 feet, measured (1,331.96 feet, record) West of the Northeast corner of Section 31, Township 19 South, Range 2 West, said point being the Northeast corner of said Block 3 of Cahaba Valley Park North and the Northeast corner of the survey of the Alagasco site by Joseph A. Miller, Jr. dated 3-2-95, and the Northwest corner of the survey of the Drivers Mart site by Joseph A. Miller, Jr. dated 12-18-96; thence run West along the North line of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 31 and along the North line of said Block 3 and the North line of said Alagasco site for 588.83 feet to a point on the East right of way line of Cahaba Valley Parkway North, said point being 60.08 feet East of the Northwest corner of said Block 3; thence 92°39'22" left and run Southerly along the East right of way line of said

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Cahaba Valley Parkway North and along the West property line of the Alagasco site for 427.54 feet to a point on the North right of way line of a 50 foot wide Alabama Power Company right of way, said point being the South West corner of the Alagasco site and the point of beginning of the property herein described; thence 103°10'59" left and run Northeasterly along said Alabama Power Company right of way and along the South line of said Alagasco site for 183.31 feet; thence 00°55'04" right and continue Northeasterly along said right of way line and the South line of said Alagasco site for 415.90 feet to a point on the East line of said Block 3 and the Southeast corner of said Alagasco site, said point also being on the West line of said Drivers Mart survey; thence 102°58'33" right and run Southerly along the West line of said Drivers Mart survey for 495.52 feet; thence 89°17'22" right and run Westerly for 578.74 feet to a point on the East right of way line of said Cahaba Valley Parkway North; thence 90°00'00" right and run Northerly along said right of way line for 365.33 feet to the point of beginning.

3. The purpose of this affidavit is to give notice of the correct legal description of this property as shown above.



John E. Hagefstration, Jr.

Sworn to and subscribed before me on this
26th day of June, 1997.



Notary Public

My commission expires 8/13/2000
[NOTARIAL SEAL]

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