

THE STATE OF ALABAMA)

COUNTY OF SHELBY)

AFFIDAVIT EVIDENCING SCRIVENER'S ERROR

Before me, the undersigned Notary Public, personally appeared Richard W. Theibert, Esquire, who being duly sworn deposes and says as follows:

My name is Richard W. Theibert, Esquire and I am with the law firm of Najjar Denaburg, P.C., who was the preparer of that certain Warranty Deed dated March 30th, 1999 and filed in the Office of the Judge of Probate of Shelby County, Alabama and recorded in Instrument # 1999-14438, filed on April 6th, 1999, whereby the property described in above mentioned deed was conveyed unto Donald W. Birdwell and spouse, Frances J. Birdwell.

I, the undersigned, have examined the Warranty Deed prepared and find that upon preparation of this deed the clarification of the Grantors, Wanda E. Powell and Charles Edward Powell, martial status was not shown.

From this date forward, let the records reflect that Wanda E. Powell and Charles Edward Powell were husband and wife at the time of the execution of the above mentioned deed.

This Affidavit is made for the purpose of duly acknowledging the scrivener's error in that drafting of said deed filed in the Office of the Judge of Probate of Shelby County, Alabama and also to induce First American Title Insurance Company to issue its title insurance policy to said owners and said mortgagee covering said mortgage.

FURTHER, Affiant saith not.


Richard W. Theibert

Sworn to and subscribed before me this 19th day of May, 1999.


Notary Public

My commission expires: 2-20-2001

THIS INSTRUMENT WAS PREPARED BY: Richard W. Theibert, Attorney
Najjar Denaburg, P.C., 2125 Morris Avenue, Birmingham, AL 35203
250-8400

Inst # 1999-21153

05/20/1999-21153
09:39 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

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