

STATE OF ALABAMA)
COUNTY OF SHELBY)

AFFIDAVIT EVIDENCING SCRIVENER'S ERROR

Before me, the undersigned Notary Public, personally appeared Gail Livingston Mills, who being duly sworn, deposes and says as follows:

My name is Gail Livingston Mills. I am a practicing attorney in the City of Birmingham, Alabama. My address is Suite 3100, SouthTrust Tower, 420 North 20th Street, Birmingham, Alabama 35203. I was the scrivener of the following instruments:

- (A) That certain General Warranty Deed dated July 11, 2000, executed by Marilyn Bostic Warth and Marylin Bostic Warth as Trustee of the Charles R. Warth Family Trust as Created Under the Last Will and Testament of Charles R. Warth, Case #34-114, as grantor, in favor Powell Builders, Inc., an Alabama corporation, as grantor, recorded as Instrument # 2000-23982 in the Probate Office of Shelby County, Alabama (the "Deed"); and
- (B) That certain Purchase Money Mortgage dated July 11, 2000, executed by Powell Builders, Inc., as mortgagor, in favor of Marilyn Bostic Warth and Marylin Bostic Warth as Trustee of the Charles R. Warth Family Trust as Created Under the Last Will and Testament of Charles R. Warth, Case #34-114, as mortgagee, recorded as Instrument #2000-23983 in said Probate Office (the "Mortgage").

I have examined the legal description contained in the Deed and the Mortgage and find that there is a scrivener's error in the legal description contained in each of said instruments. The legal description appearing in each of the Deed and the Mortgage is as follows:

A parcel of land situated in the Northeast 1/4 of the Southwest 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 15, Township 19 South, range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at a 1-inch crimped pipe accepted as the Southwest corner of the Northeast 1/4 of the Southwest 1/4 of Section 15, Township 19 South, Range 2 West, Shelby County, Alabama, and being the Southeast corner of Lot 62, according to the survey of Homestead 2nd Sector as recorded in Map Book 6, Page 74, in the Probate Office of Shelby County and run in a Northerly direction along the accepted West line of said 1/4-1/4 Section and along the East line of said subdivision 357.21 feet to the POINT OF BEGINNING of the herein described parcel; thence continue along last described course in a Northerly direction along the East line of said subdivision of 975.00 feet to a crimped iron pipe accepted as the Northwest corner of said 1/4-1/4 Section; thence turn an interior angle of 89°25'05" and run to the right in an Easterly direction 1211.81 feet to a point on the Southwesterly right of way of Caldwell Mill Road; thence turn an interior angle of 127°31'33" and run to the right in a Southeasterly direction along said right of way 253.16 feet to a crimped iron pipe; thence

02/12/2001-04958
12:30 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 HMB 17.00

Inst # 2001-04958

turn an interior angle of 90°00'00" and run to the right in a Southwesterly direction along said right of way 20.00 feet to a crimped iron pipe; thence turn an interior angle of 270°00'00" and run to the left in a Southeasterly direction along said right of way 9.73 feet to a ½-inch rebar and cap; thence turn an interior angle of 80°30'34" and run to the right in a Southwesterly direction 223.50 feet to a point of curvature; thence run along the arc of a curve to the left having a central angle of 14°54'48" and a radius of 1023.83 feet in a Southwesterly direction 266.49 feet; thence turn an interior angle of 137°03'06" from the tangent of last described curve and run to the right in a Westerly direction 459.14 feet; thence turn an interior angle of 270°34'55" and run to the left in a Southerly direction 390.21 feet; thence turn an interior angle of 90°00'00" and run to the right in a Westerly direction 196.54 feet; thence turn an interior angle of 90°00'00" and run to the right in a Westerly direction 281.86 feet to the POINT OF BEGINNING, containing 18.210 acres, more or less.

The true and correct legal description in the Deed and the Mortgage should have been as follows (the underlined call having been inadvertently omitted from the legal description):

A parcel of land situated in the Northeast 1/4 of the Southwest 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 15, Township 19 South, range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at a 1-inch crimped pipe accepted as the Southwest corner of the Northeast 1/4 of the Southwest 1/4 of Section 15, Township 19 South, Range 2 West, Shelby County, Alabama, and being the Southeast corner of Lot 62, according to the survey of Homestead 2nd Sector as recorded in Map Book 6, Page 74, in the Probate Office of Shelby County and run in a Northerly direction along the accepted West line of said 1/4-1/4 Section and along the East line of said subdivision 357.21 feet to the POINT OF BEGINNING of the herein described parcel; thence continue along last described course in a Northerly direction along the East line of said subdivision of 975.00 feet to a crimped iron pipe accepted as the Northwest corner of said 1/4-1/4 Section; thence turn an interior angle of 89°25'05" and run to the right in an Easterly direction 1211.81 feet to a point on the Southwesterly right of way of Caldwell Mill Road; thence turn an interior angle of 127°31'33" and run to the right in a Southeasterly direction along said right of way 253.16 feet to a crimped iron pipe; thence turn an interior angle of 90°00'00" and run to the right in a Southwesterly direction along said right of way 20.00 feet to a crimped iron pipe; thence turn an interior angle of 270°00'00" and run to the left in a Southeasterly direction along said right of way 9.73 feet to a ½-inch rebar and cap; thence turn an interior angle of 80°30'34" and run to the right in a Southwesterly direction 223.50 feet to a point of curvature; thence run along the arc of a curve to the left having a central angle of 14°54'48" and a radius of 1023.83 feet in a Southwesterly direction 266.49 feet; thence turn an interior angle of 137°03'06" from the tangent of last described curve and run to the right in a Westerly direction 459.14 feet; thence turn an interior angle of 270°34'55" and run to the left in a Southerly direction 390.21 feet; thence turn an interior angle of 90°00'00" and run to the right in a Westerly direction 196.54 feet; thence turn an interior angle of 270°00'00" and run to the left in a southerly direction

a distance of 99.91 feet to a point; thence turn an interior angle of 90°00'00" and run to the right in a Westerly direction 281.86 feet to the POINT OF BEGINNING, containing 18.210 acres, more or less.

This Affidavit is made for the purpose of duly acknowledging the scrivener's error in the drafting of the Deed recorded in Instrument # 2000-23982 in the Probate Office of Shelby County, Alabama, and the Mortgage recorded in Instrument # 2000-23983 in said Probate Office, and correcting the same. All references hereinafter to the Deed and the Mortgage shall be to such instruments, as corrected by this Affidavit.

This Affidavit is made this 6th day of February, 2001.

FURTHER, Affiant saith not.

Gail Livingston Mills
Gail Livingston Mills

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Gail Livingston Mills, whose name is signed to the foregoing Affidavit and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing Affidavit, she executed the same voluntarily.

Given under my hand and official seal this 6th day of February, 2001.

Regina H. Ellis
NOTARY PUBLIC
My Commission Expires: 8-6-2001

This Instrument Prepared By:
Gail Livingston, Esquire
BURR & FORMAN LLP
Suite 3100, SouthTrust Tower
420 North 20th Street
Birmingham, Alabama 35203

Inst # 2001-04958

02/22/2001-04958
12:30 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 NMB 17.00