

THIS INSTRUMENT WAS PREPARED BY:  
LAW OFFICES OF CHRISTOPHER R. SMITHERMAN, LLC  
POST OFFICE BOX 261  
MONTEVALLO, ALABAMA 35115

20060419000183350 1/1 \$11.00  
Shelby Cnty Judge of Probate, AL  
04/19/2006 02:20:28PM FILED/CERT

STATE OF ALABAMA           )  
  )  
SHELBY COUNTY            )

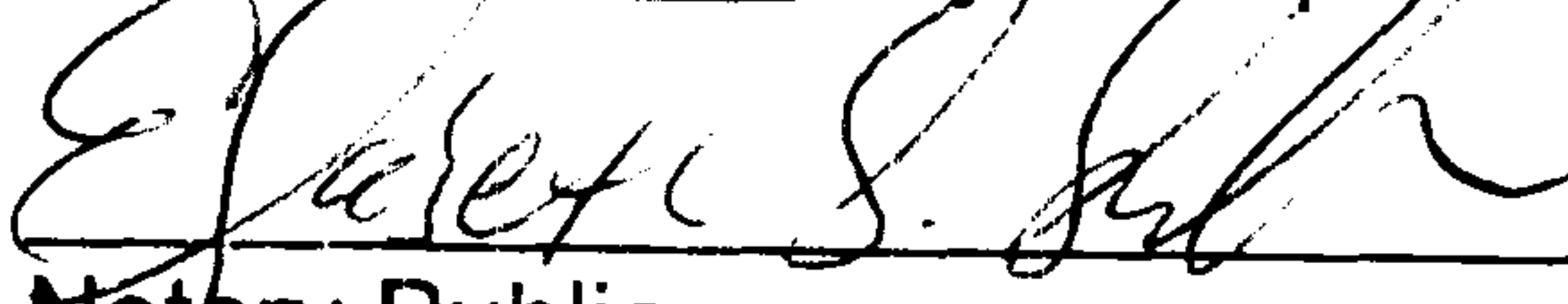
**SCRIVENER'S AFFIDAVIT**

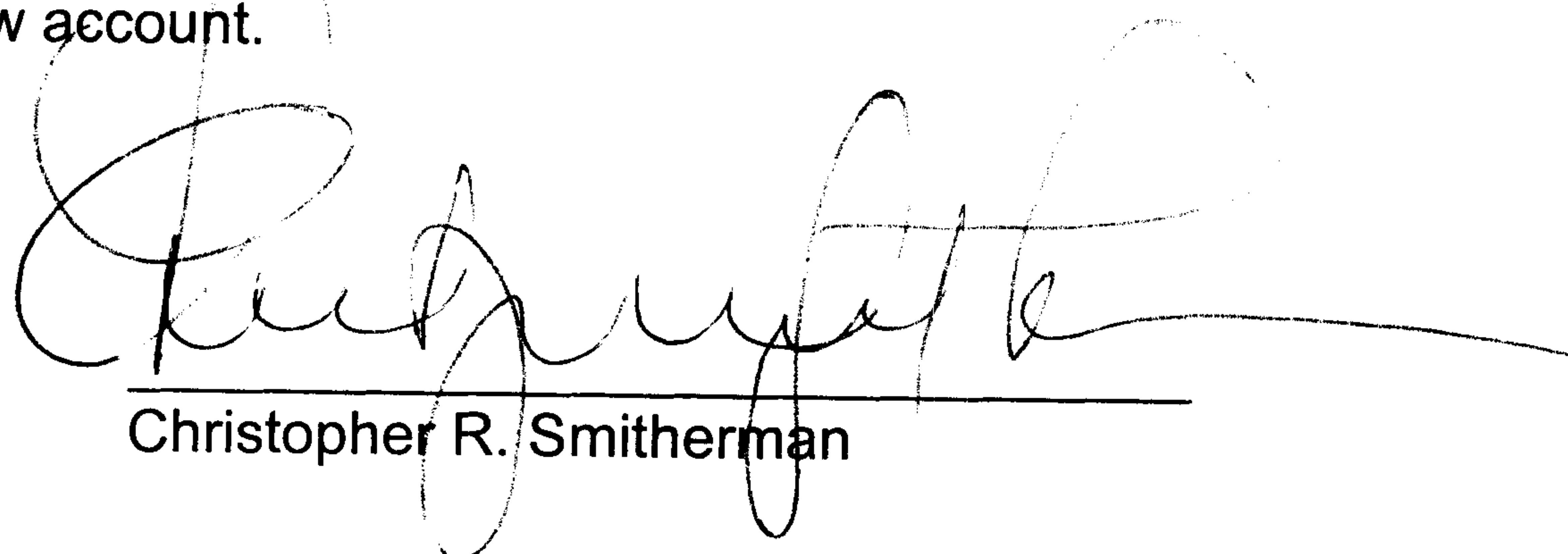
Before me, the undersigned authority, a Notary Public, in and for said County, in said State, personally appeared CHRISTOPHER R. SMITHERMAN, who after being by me first duly sworn, deposes and says on oath as follows:

My name is Christopher R. Smitherman, and I am licensed to practice law in Alabama and Mississippi. During my practice of law, on or about the 12<sup>th</sup> day of October, 2000, I closed a refinance transaction for The Peoples Bank & Trust Company with their customers, Dennis W. Davis and Stephanie J. Davis. This transaction related to their property at 886 Highway 89, Montevallo, Alabama 35115. One of the existing loans that was paid in full was made to Empire Funding (Loan #4150304). The check (#1287) was paid from loan proceeds in the amount of \$25,430.85. I have verified my records, and said check cleared my escrow account.

Further the affiant saith not.

SWORN TO and SUBSCRIBED before  
me, this the 26<sup>th</sup> day of September, 2005.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 12/11/07

  
\_\_\_\_\_  
Christopher R. Smitherman

HOLLIMAN & SHOCKLEY  
ATTORNEYS AT LAW  
2491 PELHAM PARKWAY  
PELHAM, ALABAMA 35124