

**STATE OF ALABAMA
SHELBY COUNTY**

SCRINEVER'S AFFIDAVIT

James F. Burford, III who being first duly sworn deposes and states as follows:

My name is James F. Burford, III and I am a licensed practicing attorney in the state of Alabama.

I prepared the following instruments:

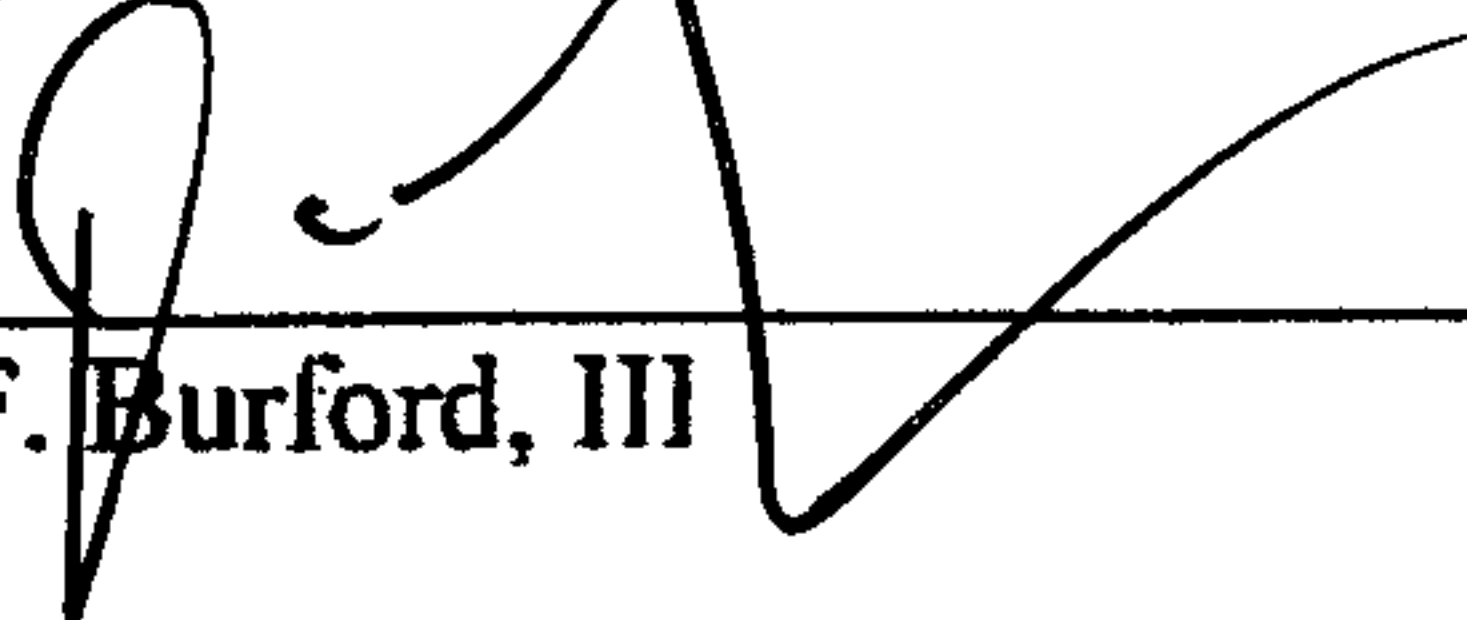
1. Deed from The Garrett Family Tree, Inc. to John G. Benner recorded in Instrument Number 20050207000061720 in the Probate Office of Shelby County, Alabama.
2. Deed from John G. Benner to Home Plate, LLC recorded in Instrument Number 20051108000580690 in the Probate Office of Shelby County, Alabama.
3. Mortgage from Home Plate, LLC to South Point Bank recorded in Instrument Number 20051108000580700 in the Probate Office of Shelby County, Alabama.

The legal description which I used for the foregoing instruments was prepared by surveyor Barton F. Carr from his survey of the property described in the foregoing instruments dated the 23rd day of December, 2004 under Project No. 04.1018.

It has been determined that an error is contained in said survey and consequently the legal descriptions attached to the foregoing instruments.


The correct legal description is attached hereto as Exhibit A1 to the affidavit of Bart Carr which is attached hereto as Exhibit A.

Further, the Affiant saith not.


James F. Burford, III

**STATE OF ALABAMA
JEFFERSON COUNTY**

Sworn to and subscribed before me this 19th day of January, 2010.


Notary Public

My Commission Expires: 10.22.2010

EXHIBIT A

20100122000022230 2/5 \$25.00
Shelby Cnty Judge of Probate, AL
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AFFIDAVIT OF ERROR

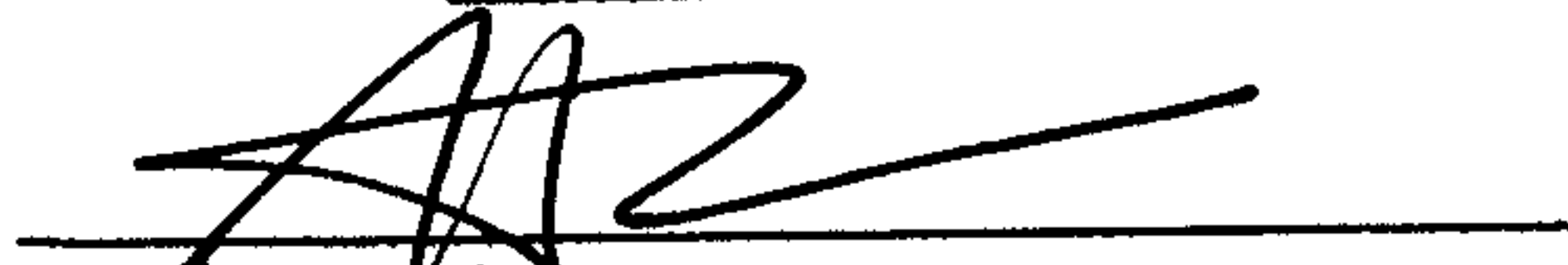
My name is Bart Carr and I prepared the legal description from my survey of certain property located in Shelby County, Alabama under survey dated the 23rd day of December, 2004 under Project No. 04.1018. The legal description appearing in said survey was used in the following instruments:

1. Deed from The Garrett Family Tree, Inc. to John G. Benner recorded in Instrument Number 20050207000061720 in the Probate Office of Shelby County, Alabama.
2. Deed from John G. Benner to Home Plate, LLC recorded in Instrument Number 20051108000580690 in the Probate Office of Shelby County, Alabama.
3. Mortgage from Home Plate, LLC to South Point Bank recorded in Instrument Number 20051108000580700 in the Probate Office of Shelby County, Alabama.

I have discovered that an error was made in the legal description contained in said survey being specifically the distance from the point of commencement to the point of beginning. The survey indicates that the distance is 2644.29 feet however the actual distance is 1335.03 feet.

The correct legal description which should be used for the foregoing instruments is attached hereto as Exhibit A1.

Done this 14th day of JANUARY, 2010.


Barton F. Carr

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned, a Notary Public for the State of Alabama at Large do hereby certify that Barton F. Carr, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 14th day of JANUARY, 2010.



Notary Public

My Commission Exp.

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Oct 4, 2010
~~BONDED THRU NOTARY PUBLIC UNDERWRITERS~~

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That part of the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter, all in Section 27, Township 18 South, Range 2 East and Also, the Northwest Quarter of the Southwest Quarter of Section 26, Township 18 South, Range 2 East, Shelby County, Alabama, that lies Easterly of Shelby County Road No. 57; more particularly described as follows:

Commence at the Northwest Corner of Section 26, Township 18 South, Range 2 West, Shelby County, Alabama, and run Southerly along the Section Line for a distance of 1335.03 feet to the Point of Beginning along the Easterly right of way line of Shelby County Road No. 57. thence continue Southerly along the Section line 1271.66 feet to the North line of the Northwest Quarter of the Southwest Quarter of Section 26, Township 18 South, Range 2 East, Shelby County, Alabama; thence an interior angle right, clockwise of 91 degrees 54 minutes 00 seconds to the East and run along said North line 1404.68 feet to the East line of the Northwest Quarter of the Southwest Quarter of Section 26, Township 18 South, Range 2 East, Shelby County, Alabama; thence an interior angle left, counter-clockwise of 92 degrees 14 minutes 09 seconds to the South and run along said East line 1315.00 feet to the South line of the Northwest Quarter of the Southwest Quarter of Section 26, Township 18 South, Range 2 East, Shelby County, Alabama; thence an interior angle left, counter-

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clockwise of 87 degrees 32 minutes 36 seconds to the West and run along said South line 1413.38 feet to the West line of the Northwest Quarter of the Southwest Quarter of Section 26, Township 18 South, Range 2 East, Shelby County, Alabama; thence an interior angle left, counter-clockwise of 180 degrees 03 minutes 04 seconds to the West and run along said South line of the Northeast Quarter of the Southeast Quarter of Section 27, Township 18 South, Range 2 East, Shelby County, Alabama a distance of 1199.95 feet to the Easterly right-of-way line of Shelby County Road No. 57; thence an interior angle left, counter-clockwise of 66 degrees 18 minutes 45 seconds to the chord of a curve to the left along said right of way line, said curve having a radius of 1472.64 feet, a central angle of 31 degrees 00 minutes 07 seconds and a chord length of 787.14 feet; thence run Northeasterly, then Northerly 796.82 feet along said curve arc and right of way line to a concrete monument found at Station 57 + 56.8; thence continue Northeasterly along said right of way line, tangent to said curve 243.20 feet; thence 90 degrees 00 minutes 00 seconds left, Northwesterly 10.00 feet along said right of way; thence 90 degrees 00 minutes 00 seconds right, Northeasterly 92.50 feet along said right of way to the chord of a curve to the right along said right of way line, said curve having a radius of 2261.87 feet, a central angle of 01 degrees 27 minutes 24 seconds and a chord length of 57.50 feet;

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thence along the arc of said curve 57.51 feet; thence Southeasterly 10.00 feet along said right of way to a curve having a radius of 2251.87 feet, a central angle of 23 degrees 22 minutes 36 seconds and a chord length of 912.40 feet; thence run Northerly, then Northeasterly 918.76 feet along said curve arc and right of way line; thence continue Northeasterly along said right of way line, tangent to said curve 739.06 feet to the Point of Beginning.



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