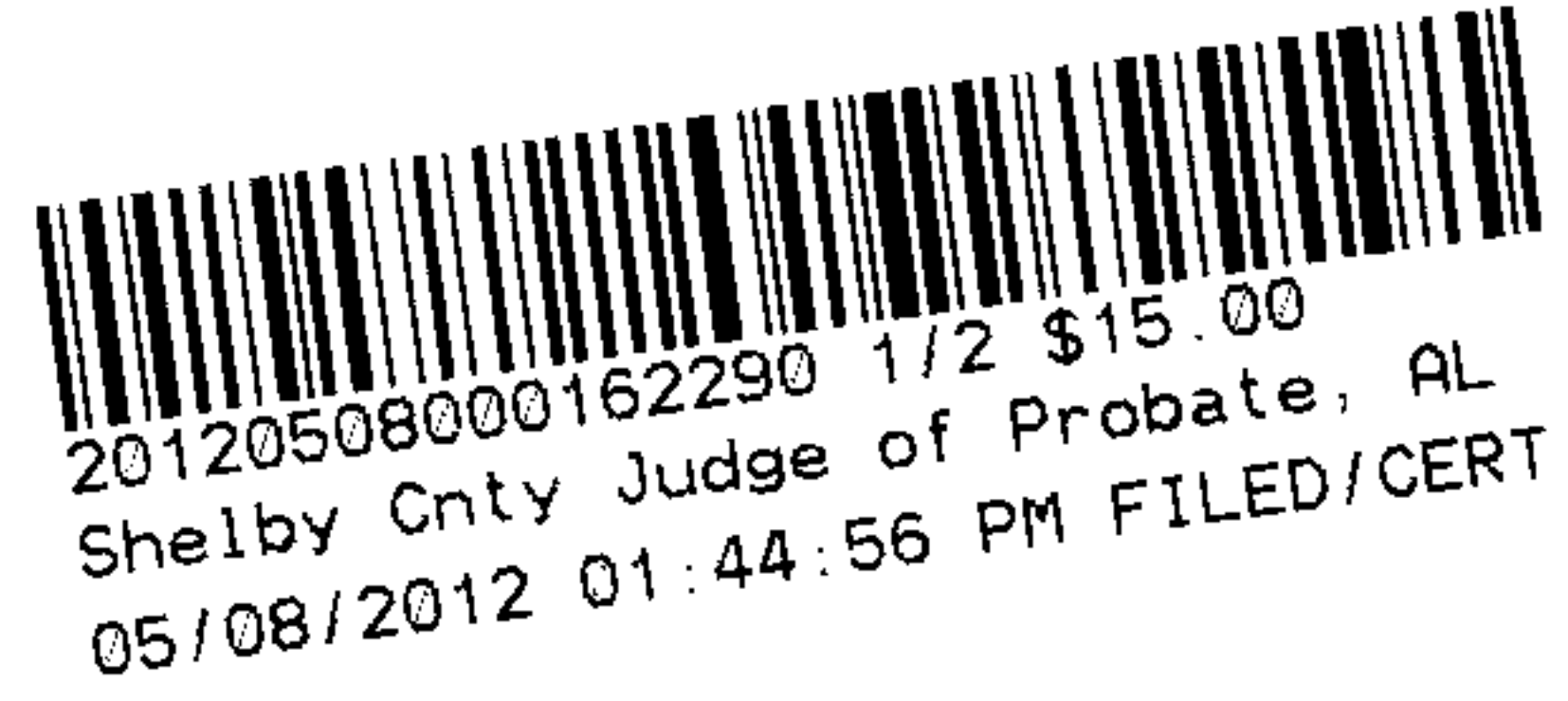


**AFFIDAVIT SETTING ASIDE FORECLOSURE SALE**

STATE OF ALABAMA )

COUNTY OF SHELBY )



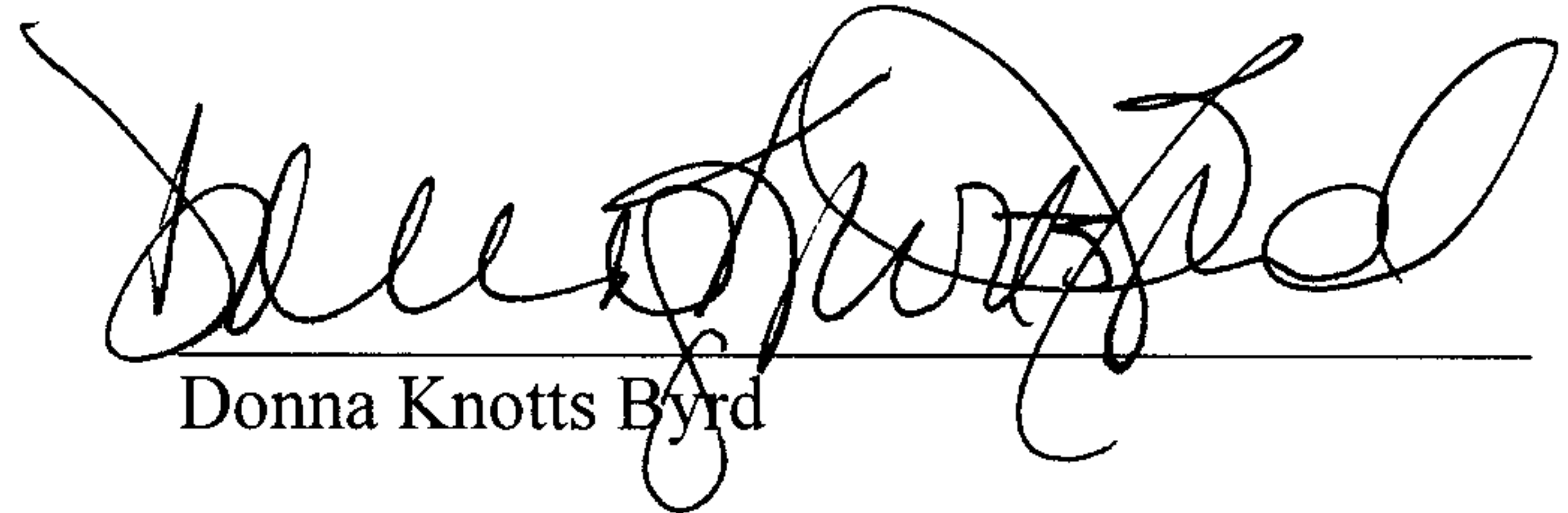
The undersigned, Donna Knotts Byrd, being first duly sworn, hereby deposes and states the following:

1. I am over the lawful age of twenty-one (21) years.
2. My name is Donna Knotts Byrd and I am a licensed and practicing attorney with the law firm of Walding LLC in Birmingham, Alabama and counsel for REGIONS BANK (the "Bank"), in the matter involving COMMONWEALTH DEVELOPMENT GROUP, LLC (the "Mortgagor") and certain amounts owed to the Bank which are secured by a mortgage executed by the Mortgagor, to REGIONS BANK, dated February 28, 2003, said mortgage being recorded in the Office of the Judge of Probate of Shelby County, Alabama at Instrument # 20030304000130860 and modified by that certain Loan Modification Agreement recorded at Instrument # 20080512000193420 in said probate office (as modified, the "Mortgage").
3. The Bank, by and through its counsel, Walding LLC, noticed a foreclosure sale pursuant to the terms of the Mortgage by publishing notice of Mortgage Foreclosure Sale in *The Shelby County Reporter* in the issues of February 29, March 7 & 14, 2012 and conducted the foreclosure sale on March 19, 2012 during the legal hours of sale in front of the main entrance of the Courthouse of Shelby County, Alabama (the "Foreclosure Sale"). The Foreclosure Deed was recorded March 19, 2012 at Instrument # 20120319000094860 in said Probate Office.
4. It has come to the attention of Walding LLC that *The Shelby County Reporter* made several errors in the publications of the notice of Mortgage Foreclosure Sale which ran in


the issues of February 29, March 7 & 14, 2012 (the "Notice") and that the Notice was not published in the format submitted by Walding LLC.

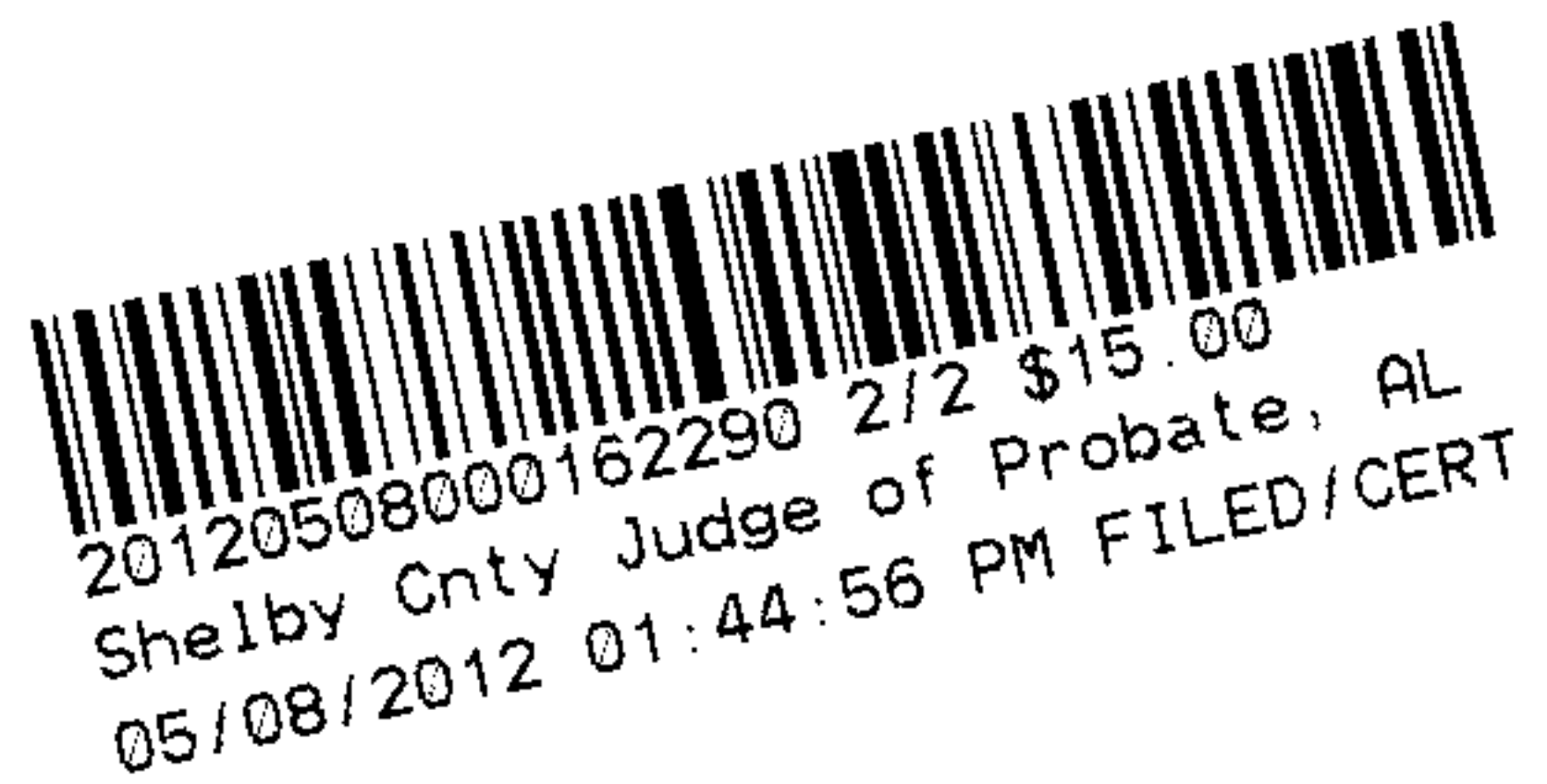
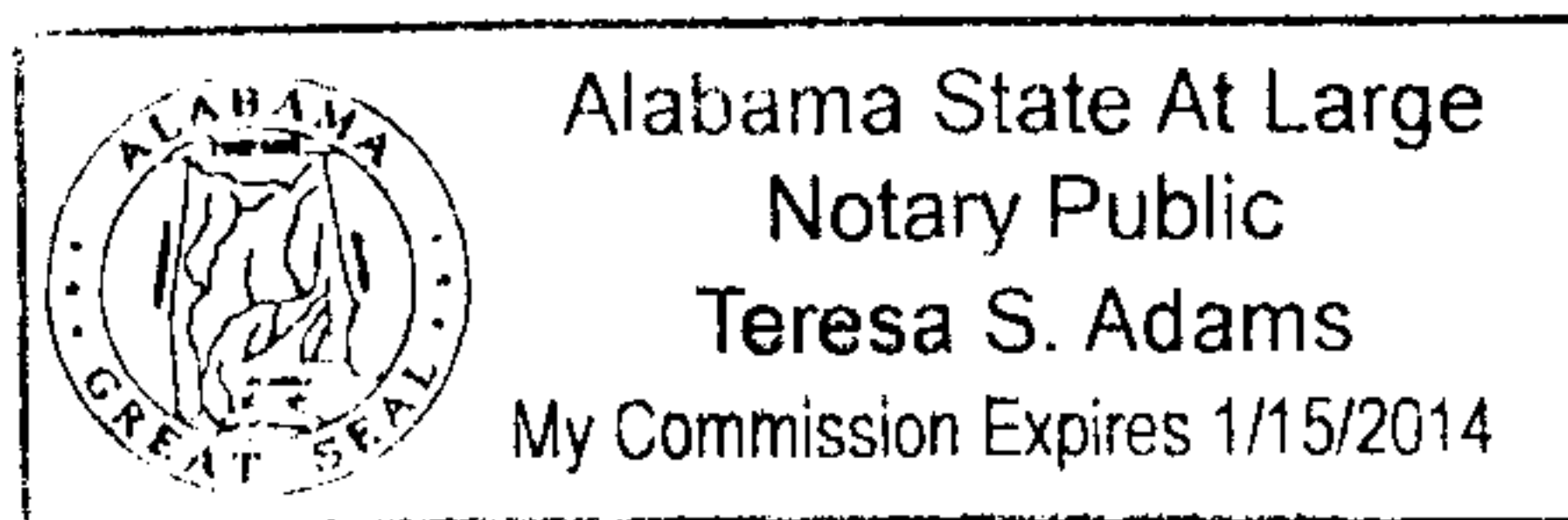
5. Due to the errors in the legal publications indicated above, the Bank sets aside the Foreclosure Sale conducted on March 19, 2012.

FURTHER AFFIANT SAITH NOT.

  
Donna Knotts Byrd

Sworn to and subscribed before me  
this 9th day of May, 2012.

  
Notary public



PREPARED BY:  
DONNA KNOTTS BYRD  
WALDING LLC  
505 SOUTH 4TH ST N, SUITE 600  
BIRMINGHAM, AL 35203