

STATE OF ALABAMA )

SHELBY COUNTY )

AFFIDAVIT

19811102000116370 1/3 \$.00  
Shelby Cnty Judge of Probate, AL  
11/02/1981 12:00:00 AM FILED/CERT

Personally appeared before me Charles C. Cash, who being known to me to be the Vice-President of Colonial Financial Service, Inc., stated under oath the following facts:

My name is Charles C. Cash. I am employed by Colonial Financial Service, Inc., in Jefferson County, Alabama, where I am employed as a Vice-President. I make this affidavit concerning certain property on which Colonial Financial Service, Inc. holds a mortgage.

On the 27th day of September, 1978, Lena Heartsfield Hopson and Floyd Hopson, husband and wife, executed a mortgage on certain property to Alabama Family Homes, Inc. This mortgage is recorded in Real Volume 384 at Page 486 in the Probate Office of Shelby County. By the same instrument, Alabama Family Homes, Inc., assigned its interest in the real estate to Colonial Financial Service, Inc.

This mortgage covered certain real estate located in Shelby County, Alabama, more particularly described as follows:

Commence at the southeast corner of Section 1, Township 22, South, Range 1 West and run North along said section line a distance of 968.37 feet to a point marked by an iron pipe; thence turn an angle of 33°23' to the left and run 135 feet to the point of beginning of the lands herein conveyed, which point is marked by an iron pipe; then continue to run on the same line a distance of 125.83 feet to the southeast corner of the Charles Kidd lot, which corner is marked by an iron pipe; then turn an angle of 90°00' to the left and run 160.85 feet, more or less, to a point marked by iron on the East right of way line of County Highway #47 (Columbiana-Shelby Road) which point is the southwest corner of the said Charles Kidd lot; thence turn an angle to the left and run along said highway right of way line 125.83 feet to the northwest corner of the lot leased to Leon McNeal which corner is marked by an iron pipe; thence turn an angle to the left and run 160.85 feet, more or less, to the said point of beginning and being situated in the Southeast Quarter of the Southeast Quarter of Section 1, Township 22 South, Range 1 West, Shelby County, Alabama, and subject to road and utility easements. Said Real Estate shall be used for residential purposes only.

This legal description correctly described the property on which the Hopson's conveyed a mortgage interest to Alabama Family Homes, Inc., and Colonial Financial Service, Inc.

42 PAGE 675

return to Mike Hall  
1212 Bank for Savings Bldg  
Shelby AL 35203



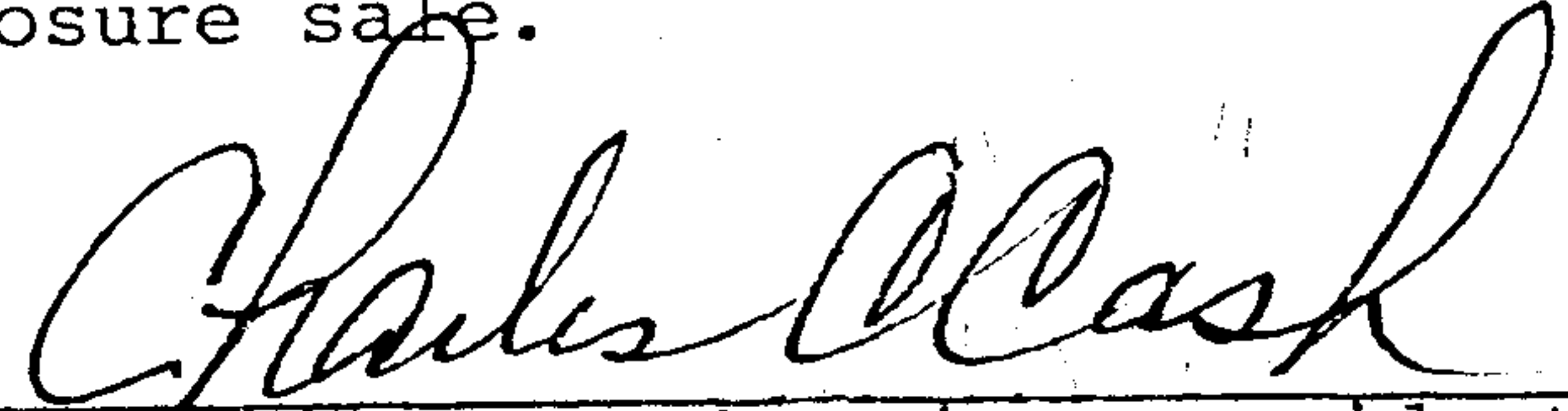
Subsequently, a survey was performed in which the surveying company reported that the legal description was in error. A new mortgage deed was drafted and executed by the Hopsons, recorded at Real Book 386, Page 370. The legal description in this deed is as follows:

BOOK 42 PAGE 676  
That certain lot of land situated in the NE 1/4 of the SE 1/4 of Section 1, Township 22 South, Range 1 West, described as follows: Commence at the SE corner of said Section and run North along said Section line a distance of 571.92 feet to the North (sometimes referred to as East) R.O.W. line of County Highway #47 (Columbiana-Shelby Road), thence turn an angle of 24°57' to the left and run along said North R.O.W. line a distance of 1219.37 feet to the P.O.B. of the lot herein conveyed; thence turn an angle of 90°00' to the right and run a distance of 290 feet to a point, said line running parallel with the North line of the Eddie Buie lot; thence turn an angle to the left and run in a North-westerly direction and parallel with said North R.O.W. line a distance of 150 feet to a point; thence turn an angle to the left and run in a Southwesterly direction and parallel with the South line of the lot herein conveyed a distance of 290 feet to the said road North R.O.W. line to a point; thence turn an angle to the left and run along said R.O.W. line a distance of 150 feet to said P.O.B., situated in Shelby County, Alabama, subject however, to highway and utility easements and rights of way.

Subsequently, the Hopson's defaulted in their mortgage, and Colonial Financial Service, Inc. advertised the property for sale, following the legal description listed in the second mortgage deed. Colonial Financial Service, Inc. was the purchaser at the mortgage foreclosure sale and recorded a mortgage foreclosure deed, Volume 334 at Page 885 reciting the legal description found in the second deed. Subsequent to foreclosure, Colonial Financial Service, Inc. learned that the surveying company had made an error and that the second mortgage deed and the mortgage foreclosure deed contained an improper legal description. The first mortgage deed contained the proper legal description.

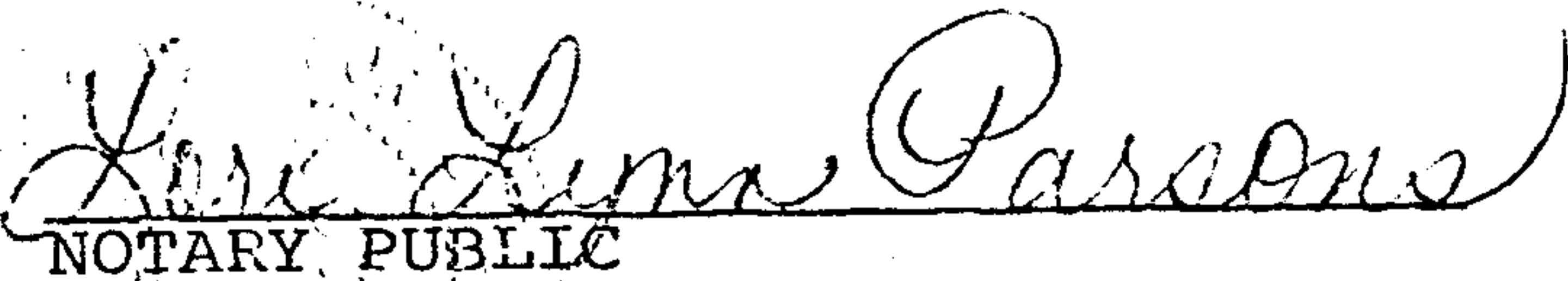
Therefore, Colonial Financial Service, Inc. wishes to set the record straight in reciting that the mortgage deed recorded at Real Book 386, Page 370, filed in 1978, and the Mortgage Foreclosure Deed recorded in Real Book 334, at Page 885, filed in 1981, both contain an erroneous legal description. The proper legal description is found in the first mortgage deed.

According to the law concerning mortgage foreclosures in the State of Alabama, Colonial Financial Service will not file a corrected mortgage foreclosure deed, but will conduct an entirely new foreclosure sale.



Charles C. Cash, Vice-President  
COLONIAL FINANCIAL SERVICE, INC.

Sworn to and subscribed  
before me this the 24th  
day of September, 1981.


  
NOTARY PUBLIC

19811102000116370 3/3 \$.00  
Shelby Cnty Judge of Probate, AL  
11/02/1981 12:00:00 AM FILED/CERT

My Commission Expires: My Commission Expires June 3, 1985

BOOK 42 PAGE 677

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
1981 NOV -2 AM 10:13

  
JUDGE OF PROBATE

Rec. 450  
100  
560