

STATE OF ALABAMA

SHELBY COUNTY

AFFIDAVIT

Before me, Jimmy McBrayer, a Notary Public in and for said county and state, personally appeared James McBrayer, whose name is signed to this Affidavit and who is known to me, and who being by me first duly sworn, deposes and says as follows:

1. That my name is ^{Jimmy}~~James~~ McBrayer, I am over the age of 19 years, and reside at 105 Maple St, in Shelby County, Alabama.

2. That I was formerly an employee or officer of Cardinal Homes, Inc. ("Cardinal").

3. That I am personally familiar with that certain Mortgage executed and delivered by **Charles Ricky Cain as Mortgagor** to Cardinal Homes, Inc. dated December 30, 1988, and recorded at Book 233, Page 477, in the Office of the Judge of Probate of Shelby County, Alabama (the "Mortgage").

4. That in connection with the making of the loan secured by the Mortgage, Cardinal obtained a survey map of a portion of Lot 6 of Weaver Creek Estates, a map of which is recorded at Map Book 11, Page 68, in the Office of the Judge of Probate of Shelby County, Alabama.

5. That such survey was prepared by Robert C. Farmer at the request of Cardinal and/or Charles Ricky Cain for use by such parties in the granting of the Mortgage.

6. That in the preparation of the legal description of such property, an error was made in that the point of beginning of such legal description was recited to be the "S.E. Corner of Lot 6, Weaver Creek Estates", when said point of beginning should have been described as the "N.E. Corner" of said Lot 6.

7. That said ~~erroneous~~ legal description is set forth in the Mortgage.

8. That the legal description intended to be set forth in the Mortgage is as follows:

Commence at the N.E. Corner of Lot 6, Weaver Creek Estates, a map of which is recorded at Map Book 11, Page 68, in the Office of the Judge of Probate of Shelby County, Alabama, being the Point of Beginning of the land hereby described. From said Point of Beginning run West along the North property line of said Lot 6 395.00 feet; thence turn 90°59'37" left and run 145.5 feet, thence turn 88°48'40" left and run 395.03 feet; thence turn 91°12'35" left and run 146.83 feet to the Point of Beginning.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 2 day of June, 1994.

Jimmy McBrayer
Jimmy ~~James~~ McBrayer

Sworn to and subscribed before me this 2nd day of June, 1994.

Linda Dennis
Notary Public

My Commission expires June 29, 1997

01/19/1995-01591
12:12 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 MCD
8.50

Inst # 1995-01591