

THIS INSTRUMENT WAS PREPARED BY: MIKE T. ATCHISON, ATTORNEY AT LAW
P.O. BOX 822
COLUMBIANA, ALABAMA 35051

STATE OF ALABAMA
SHELBY COUNTY

AFFIDAVIT

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

My name is Mike T. Atchison, and I am a practicing attorney in Columbiana, Alabama, and I recently closed a sale of real estate from Kim E. Wells, to Sam E. Bristow, with simultaneous first and seconds mortgages to National Bank of Commerce of Birmingham, on the following described property, to-wit:

Begin at the SW corner of the SW 1/4 of the NW 1/4 of the SE 1/4 of Section 14, Township 22 South, Range 1 West; thence run easterly along the south line thereof 262.88 feet to the northerly R/W of Shelby County Highway 42; thence South 40 degrees 48 minutes left run northeasterly along said R/W for 194.25 feet; thence 79 degrees 3 minutes 24 seconds left run northerly for 176.84 feet; thence 88 degrees 26 minutes 58 seconds right run easterly for 210.00 feet; thence 88 degrees 26 minutes 57 seconds left run northerly for 531.19 feet; thence 91 degrees 20 minutes 14 seconds left run westerly for 658.74 feet; thence 88 degrees 17 minutes 3 seconds left run southerly for 741.03 feet to the point of beginning.

Situated in the NW 1/4 of the SE 1/4 of Section 14, Township 22 South, Range 1 West, Shelby County, Alabama.

According to the survey of Thomas Simmons, LS# 12945, dated July 21, 1997.

It has been brought to my attention that the documents were recorded out of order, i.e. the second mortgage was recorded prior to the deed, the first mortgage, and assignment of the first mortgage. The mortgage recorded as Instrument #1997-23681, in the Probate Office of Shelby County, Alabama, should have been recorded subsequent to the deed, mortgage, and assignment recorded as Instrument #1997-23682, Instrument #1997-23683, and Instrument #1997-23684, respectively.

This affidavit is given to establish the fact that the mortgage from Sam E. Bristow and Shannon E. Bristow, husband and wife, to National Bank of Commerce of Birmingham, dated July 28, 1997, in the amount of \$23,250.00, recorded as Instrument #1997-23681, is second and subordinate to that certain mortgage to National Bank of Commerce of Birmingham, dated July 28, 1997, in the amount of \$116,250.00, recorded as Instrument #1997-23683, and subsequently assigned to Principal Residential Mortgage, Inc., by assignment dated July 28, 1997, recorded as Instrument #1997-23684, in said Probate Office.

Further the affiant saith not.


Mike T. Atchison

Sworn to and subscribed to before me
this 20th day of August, 1997.


Notary Public

Inst # 1997-26637

08/20/1997-26637
02:24 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 MCD 8.50

Inst # 1997-26637