

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 Shelby County, Alabama, and was the preparer of those certain mortgages from Nelson Wayne Archer and wife, Janice Archer, to First National America's Bank, dated September 24, 1997, recorded as Instrument #1997-31295 and Instrument #1997-31298, in the Probate Office of Shelby County, Alabama. It has been brought to my attention that these mortgages were not recorded in the intended order of their priority. The mortgage recorded as Instrument #1997-31298, in the amount of \$53,491.21 was intended to be the first mortgage on the lands described therein. The mortgage to Mortgage Investors, Inc. recorded as Instrument #1995-26573 and subordinated to the new First National America's Bank mortgage was intended to be second and subordinate to the \$53,491.21 mortgage recorded in Instrument #1997-31298, while the mortgage recorded as Instrument #1997-31295, was supposed to have third priority to the property described in the Mortgage Investors mortgage, and was to be second and subordinate to the new First National America's Bank mortgage, as to the remainder of the property.

This affidavit is given to clarify the priority of the mortgages recited hereinabove and to induce Shelby County Abstract & Title Company, Inc., to issue its final policies in Case Numbers SS-97-4295 and SS-97-4296.

Further the affiant saith not.


Mike T. Atchison

Sworn to and subscribed to before me
this 13th day of November, 1997.


Notary Public

Inst # 1997-37177

11/14/1997-37177
09:16 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 MCD 8.50

Inst # 1997-37177

MTA