

AFFIDAVIT OF NATIONAL BANK OF COMMERCE OF BIRMINGHAM

Before me, the undersigned authority, personally appeared James. A. Powell, who, says as follows:

1. My name is James A. Powell, and I am a Vice President of the National Bank of Commerce of Birmingham (hereinafter, "NBC"). I have personal knowledge of the facts contained herein and those facts are true and correct. I am giving this affidavit to clarify that certain Full Satisfactory of Recorded Lien (hereinafter, "Mortgage Release") on Lots 7 and 8, according to the Survey of Southlake, First Addition, as recorded in Map Book 14, at page 31, in the office of the Judge of Probate of Shelby County, Alabama (hereinafter, the "Property"), said Mortgage Release having been executed by NBC on July 30, 1998.


2. On November 26, 1990, Carolyn S. Swann took title to the property known as Lots 7 & 8, according to the Survey of Southlake, First Addition and simultaneously executed a mortgage in favor of NBC for the benefit of Aftco Properties, Inc. (hereinafter, "API"), which mortgage is recorded in Book 320, Page 353 of the Probate Office of Shelby County, Alabama (hereinafter, the "Mortgage"). On December 22, 1992, API took title to the property described in the Mortgage by conveyance from Carolyn Swann, reaffirming the indebtedness that the Mortgage secured. Said Mortgage was fully satisfied on July 30, 1998, said Mortgage Release being attached hereto as Exhibit "A". NBC never made a mortgage on the Property to API - only the Mortgage to Carolyn Swann.

Inst # 1998-47629

12/01/1998-47629
02:11 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 SNA 14.50



**NATIONAL BANK OF COMMERCE
OF BIRMINGHAM**



James A. Powell

Its Vice President

SWORN AND SUBSCRIBED

before me this the 19th

day of November, 1998.



Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE.
MY COMMISSION EXPIRES: Jan. 24, 2000.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

My commission expires _____.

EXHIBIT "A"

STATE OF ALABAMA
JEFFERSON COUNTY
SHELBY

FULL SATISFACTION OF RECORDED LIEN

Know All Men By These Presents, That, the undersigned NATIONAL BANK OF COMMERCE

OF BIRMINGHAM

, acknowledges full payment of the indebtedness secured by that certain

(Real Property) (~~Real Property~~) mortgage executed by _____

Carolyn S. Swann, an unmarried woman

SHELBY

which said mortgage was recorded in the office of the Judge of Probate Court of Jefferson County, Alabama,

in Real Book No. 320, Page No. 353, (and assigned to _____

in _____ Book No. _____, Page _____,) and the undersigned does further hereby release

and satisfy said mortgage.

Lots 7 and 8, according to the Survey of Southlake, First Addition, as recorded in Map Book 14, at Page 31, in the Office of the Judge of Probate of Shelby County, Alabama.

ONE HUNDRED AND SEVENTY-SEVEN
DOLLARS AND CERTIFIED
WITH MY HAND AND SEAL
ON OR JULY

In Witness Whereof, the undersigned, NATIONAL BANK OF COMMERCE OF BIRMINGHAM

has caused these presents to be executed this 30 day of July, 1998.

NATIONAL BANK OF COMMERCE OF BIRMINGHAM

BY: Richard Murray, IV

RICHARD MURRAY, IV

ITS: EXECUTIVE VICE PRESIDENT

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned Notary Public, in and for said County in said State, hereby certify that _____

Richard Murray, IV

whose name EXECUTIVE VICE PRESIDENT

of National Bank of Commerce of Birmingham is signed to the foregoing instrument, acknowledged before me on this day that, being informed of the contents of the instrument, he (as such officer and with full authority,) executed the same voluntarily (for and to the act of said corporation).

Given under my hand and Official seal this 30 day of July, 1998

THIS INSTRUMENT WAS PREPARED BY

Dot Thompson

Collateral Clerk

NATIONAL BANK OF COMMERCE OF BIRMINGHAM

P.O. BOX 10606

BIRMINGHAM, AL 35202-0606

LN # 1250541071

NOTARY PUBLIC STATE OF ALABAMA, AT LARGE
MY COMMISSION EXPIRES Aug. 14, 2004.
I HAVE BEEN NOTARY PUBLIC SINCE 1994.

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