

**AFFIDAVIT OF JAMES W. FUHRMEISTER**

STATE OF ALABAMA     )  
COUNTY OF SHELBY    )

Before me, the undersigned, a Notary Public in and for said county and said state, personally appeared James W. Fuhrmeister, who after being duly sworn, deposes and says as follows:

"My name is James W. Fuhrmeister and I am a practicing attorney in the State of Alabama. On November 6, 1998, I prepared a mortgage encumbering certain real property located in Shelby County, Alabama and executed by Jack W. Vance and wife, Posha M. Vance (Borrower) in favor of MortgageAmerica, Inc. (Mortgagee). This mortgage was recorded on November 16, 1998 and appears of record in the Office of the Judge of Probate of Shelby County, Alabama as Instrument Number 1998-45413.

In the aforesaid mortgage there was a clerical error on page six of the mortgage wherein no reference was made to the Planned Unit Development Rider which was attached and recorded simultaneously. There was a Planned Unit Development Rider attached to the mortgage which should have been referenced on page six of the mortgage.

I give this affidavit of my own personal knowledge of the facts set out herein."

In Witness Whereof, I have hereunto set my hand and seal on this the 12 day of April, 1999.

  
James W. Fuhrmeister

Sworn to and subscribed before me this 12 day of April, 1999.

  
Notary Public

My Commission Expires: 3-1-03

Inst # 1999-18034

04/30/1999-18034  
09:49 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
001 NMS 8.50